



Crl.A.No.700 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.11.2023

DATE OF DECISION : 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Criminal Appeal No.700 of 2023

Mohamed Yusuf
S/o Abdul Lathif

.. Appellant

-vs-

Union of India represented by
The Chief Investigating Officer
The Inspector of Police
National Investigation Agency
Chennai Branch, Chennai
(RC-42/2022/NIA/DLI)

.. Respondent

Memorandum of Grounds of Criminal Appeal filed under Section 21(4) of the National Investigation Agency Act, 2008, to call for records and set aside the order dated 20.06.2023 in Crl.M.P.No.894/2023 on the file of learned Special Court under National Investigating Agency Act, 2008 (Sessions Court for Exclusive Trial of Bomb Blast Case), Poonamallee, Chennai in Crime No.RC-42/2022/NIA/DLI on the file of respondent police and enlarge the appellant on bail.

For Appellant :: Mr.I.Abdul Basith
For Respondent :: Mr.AR.L.Sundaresan
Additional Solicitor General
assisted by Mr.R.Karthikeyan
Special Public Prosecutor for NIA cases



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JUDGMENT

S.S.SUNDAR, J.

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The above appeal has been preferred by the appellant, who is Accused No.16 in Crime No.RC-42/2022/NIA/DLI on the file of the respondent, challenging the order dated 20.06.2023 passed in Crl.M.P.No.894 of 2023 by the Special Court under National Investigating Agency Act, 2008 (Sessions Court for Exclusive Trial of Bomb Blast Cases), Poonamallee, Chennai dismissing his bail application.

2. The brief facts that are necessary for the disposal of the above appeal can be summarized as follows:-

(a) According to the prosecution, based on credible informations received by the Ministry of Home Affairs, CTCR Division, North Block, New Delhi, vide proceedings dated 16.09.2022, the respondent was directed to investigate. On 19.09.2022, the respondent registered a case in Crime No.RC-42/2022/NIA/DLI against 13 named accused persons as well as other unknown persons for the offence under Sections 120B, 153A, 153AA of IPC and Sections 13, 17, 18, 18B, 38 & 39 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the “UAPA”).



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(b) Pursuant to the registration of the First Information Report in Crime No.RC-42/2022/NIA/DLI, the respondent, after completion of investigation, filed a final report before the Special Court under National Investigating Agency Act, 2008 (Sessions Court for Exclusive Trial of Bomb Blast Cases), Poonamallee, Chennai (hereinafter referred to as the “Special Court”) against 10 named accused on 17.03.2023. The Special Court, on 18.05.2023, took cognizance over the final report (Spl.S.C.No.1/2023) and issued summons to the 10 named accused.

(c) It is alleged in the final report that the office bearers, members and cadres of Popular Front of India (hereinafter referred to as the “PFI”), a fundamentalist Islamic organisation have been spreading terrorist/extremist ideologies across Tamil Nadu by establishing its State headquarters at Purasawakkam, Chennai and in various districts of Tamil Nadu through their frontal organizations like Campus Front of India, National Women's Front, etc.; that they entered into a conspiracy to commit terrorist acts, raise funds for committing terrorist activities, recruit members for furthering their extremist ideology, organized mass drills for carrying out their subversive activities; that they have been indulging in militant Salafi ideology espousing extremist activities; that PFI and its office bearers were operating a clandestine network of motivated youths and were using them



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for achieving their ideology throughout India to disturb peace and to cause disharmony; that PFI and its associates are organizing arms training programs and addressing meetings for the purpose of seeking support for terrorist activities; that the investigations revealed that the organization had been clandestinely maintaining close links with terrorist organizations such as ISIS and had aligned with the terrorist outfit with an intention to further the activities of a banned organization; that incriminating articles and documents were seized from the accused persons on 22.09.2022; that the PFI and its office bearers including the arrested persons conspired to wage a war against the Government of India by threatening the unity, integrity, security and sovereignty of India in order to establish Islamic State in India; that after completion of investigation and after collection of material evidences against the arrested accused, the chargesheet was filed against A1 to A9 & A13; that after filing of chargesheet on 17.03.2023, during the course of further investigation, additional evidence regarding the commission of offence and the involvement of A15 to A19 including the appellant, who is A16 and another Advocate by name Mohamed Abbas, A17, were revealed; that the accused Nos.15 to 19 were working for organizing weapon training camps for the PFI cadres as a preparation of waging a war against India; that they are identifying people who are against



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PFI with an intention to attack, assault, maim and murder them; that they are recruiting new cadres and imparting weapon training to them, advocating the ideology of ISIS, LeT and encouraging selected PFI cadres to join ISIS and LeT with an intention to further its activity by giving training in weapons so as to use their skills in India whenever required.

(d) It is stated by the prosecution that searches were conducted on 09.05.2023 and the appellant along with Accused Nos.15, 17, 18 and 19 were arrested on 19.05.2023 even before the respondent got an order on 23.05.2023 for further investigation. The appellant filed a bail application under Section 439 of the Code of Criminal Procedure read with Section 43D of the Unlawful Activities (Prevention) Act in Crl.M.P.No.894 of 2023. The Special Court, by order dated 20.06.2023, dismissed the application after holding that on perusal of the case diary and the report under Section 173 of the Code of Criminal Procedure, the Court is of the opinion that the accusation against the appellant is prima facie true and that therefore the accused cannot be released on bail, in view of Section 43D(5) and (6) of the UAPA. Aggrieved by the same, the above appeal is preferred by the appellant, who is shown as Accused No.16.

3. Assailing the impugned order, the learned counsel appearing for



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the appellant submitted that the appellant is an Advocate by profession and is practising both in the Principal Seat and Madurai Bench of this Court.

The learned counsel submitted that the appellant has defended some of the accused as counsel on record in a few proceedings in relation to the very same First Information Report. The appellant was not arrayed as one of the accused either in the First Information Report or in the chargesheet filed on 17.03.2023. It is stated by the counsel that nowhere it is whispered about the alleged involvement of the other accused, even though the involvement of some unknown persons are referred to in the First Information Report. The learned counsel, referring to the basic facts, submitted that the appellant has been falsely implicated and illegally arrested by the respondent, knowing fully well that he is not involved in any crime alleged against the original accused against whom the chargesheet had already been filed. The learned counsel submitted that the conduct of the respondent making the counsel on record as a co-accused is not only arbitrary, but also unfair and pose a grave threat to the rule of law, particularly to the legal professionals representing the accused without any fear or interference in their independence. In this context, the learned counsel referred to the previous orders passed by this Court as against the named accused in the First Information Report and Accused No.17, who was also implicated after



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the filing of chargesheet as against the named accused, and submitted that the same principles that were followed while enlarging the other accused on bail by this Court in Criminal Appeal No.340 of 2023 and Criminal Appeal Nos.94, 114 & 116 of 2023 are to be followed, to grant relief to the appellant. While responding to the written objections filed by the respondent, the learned counsel also submitted that the allegations levelled against the appellant are not supported by any material. Referring to the materials that were seized from the appellant, namely, laptop, cellphone, two pen drives and a button knife etc., the counsel submitted that the learned Special Judge failed to apply his mind to any of the materials that were relied upon by the respondent to implicate the appellant. The learned counsel submitted that the appellant has been implicated in this case without any bona fides only because he extended his professional service and assistance to some of the accused. On these grounds, the learned counsel prayed for allowing the appeal, as the Special Court miserably failed to consider the relevant facts and the principles settled by the Hon'ble Supreme Court.

4. Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing for the respondent, relying upon the judgment of the Hon'ble



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Supreme Court in *National Investigation Agency v. Zahoor Ahmad Shah*

Watali, (2019) 5 SCC 1, submitted that as against the appellant, there is a prima facie case and there are reasonable grounds to believe that the appellant/accused has committed the offence as alleged. The learned Additional Solicitor General also submitted that based on the materials produced by the respondent, the Special Court has refused to grant bail and therefore there is no scope for interference. The learned Additional Solicitor General further contended that the role of the appellant is alarming and dangerous and the bail cannot be granted when the case is under investigation. The learned Additional Solicitor General submitted that though the name of the appellant herein was not found in the First Information Report, the subsequent informations collected revealed the role of the appellant herein and that during custodial interrogation, the appellant did not co-operate with the investigation and therefore, the officials searched the residence of the appellant. By referring to the facts stated in the written objections, the learned Additional Solicitor General submitted that the investigation against other accused is in progress and more evidence is yet to be collected from the co-conspirators as well as the witnesses. Referring to the fact that PFI, though was not banned earlier, but banned after the registration of First Information Report on 28.09.2022 by



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the Union Government, contended that the appellant's association with the organization is evident from his mobile and the messages he shared with others in the whatsapp. Stating that the case is under further investigation and there is a prima facie case against the appellant to show his involvement in the commission of offence under Chapters IV and VI of the UAPA, the learned Additional Solicitor General submitted that the appellant is not entitled for any bail, in view of the provision under Section 43D(5) & (6) of the UAPA.

5. This Court carefully considered the rival submissions and also perused the materials on record. The appellant is a practising Advocate and it is not in dispute that he had appeared for some of the accused against whom charge sheet is filed in the very same case by the respondent. Earlier the bail petition filed by one Mohamed Abbas, who is also an Advocate and arrayed as 17th accused in relation to the same case, moved the Special Court for bail and the same was dismissed for identical reasons. As against that, Mr.Mohammed Abbas, 17th accused filed Crl.A.No.678 of 2023 and this Court allowed the appeal and granted bail to the 17th accused by order dated 01.08.2023. The identical arguments advanced by the respondent in the said case were negatived and this Court, though observed that the



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accused cannot have any privilege as an Advocate, on merits, held that there is no material against the 17th accused to substantiate that he has committed any offence under Chapters IV and VI of the UAPA either as a member or as an associate of the banned organization PFI. Since PFI is only declared as an unlawful association and not a terrorist organization, this Court recorded a finding that the accusations against the 17th accused do not attract the provisions under Chapters IV and VI of the UAPA. This Court, by order dated 19.10.2023, also allowed Crl.A.Nos.98, 114 & 116 of 2023 as against a similar order dated 03.01.2023 passed by the Special Court in Crl.M.P.Nos.742 & 722 of 2022 dismissing the bail applications filed by the appellants therein, who were shown as Accused Nos.1,3,5,6,7,8 & 9.

6. Admittedly, the appellant has been charged for the offences under UAPA, which fall under Chapters IV and VI of the said Act. Therefore, there is a statutory restriction under the proviso to Section 43D(5) of the UAPA while considering the bail application. This Court has already examined the scope of Section 43D(5) & (6) of the UAPA in detail by referring to several judgments of the Hon'ble Supreme Court, particularly the judgments of the Hon'ble Supreme Court in *Thwaha Fasal & others v. Union of India & others*, (2021) SCC Online 1000; *Union of India v.*



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K.A.Najeeb, (2021) 3 SCC 713 and in National Investigation Agency v.

Zahoor Ahmad Shah Watali, (2019) 5 SCC 1. In Crl.A.Nos.98, 114 & 116

of 2023 dated 19.10.2023 (Barakathullah v. Union of India), this Court elaborately considered similar accusations against the accused in relation to the same First Information Report. It has been observed that in cases like this, the Court should be alive to both ends of the spectrum, that is the need to ensure the proper enforcement of criminal law on the one hand and the need to ensure that the law does not become a ruse for targeted harassment on the other, based on the principles reiterated by the Hon'ble Supreme Court in several precedents. The organization like PFI is in existence from the year 2006. Though PFI is declared as an unlawful organization, it cannot be presumed to be a terrorist organization to arrest everyone associated with the association. One of the main issues considered by this Court was whether Section 45D(5) of the UAPA can be relied upon to deny bail to the appellants therein. After elaborately considering several precedents, this Court, finding that there is no material against anyone of the appellants to suggest the commission of any offence under Chapters IV & VI of the UAPA, allowed the appeals. This Court considered the similar activities alleged against the appellants therein and held that there is no material against the appellants therein to come to the conclusion that the



appellants have committed any preparatory act to the commission of terrorist act to attract Section 18 of the UAPA.

7. Now let us examine the materials that are focussed by the respondent as against the appellant in this case. The relevant portions of the written objections filed by the respondent, read as follows:-

“8. That, during the course of further investigation additional evidence regarding the role in the commission of offence by Abdul Razzak, A-15, Adv.Mohamed Yusuf, A-16, Adv.M.Mohamed Abbas, A-17, Kyzer A, A-18, Sathik Ali, A-19, were revealed that they were some of the important core team leaders, they had worked for organizing weapons training camps for the PFI cadres as a preparation of waging a war against India, identifying peoples who were working against the PFI with the intention to attack, assault, maim and murder them, recruiting new cadres and imparting weapon trainings to them, advocating the ideology of ISIS, LeT and encouraging selected PFI cadres to join ISIS and LeT etc with the intention to further its activity and get trained in weapons so as to use their skills in India, whenever required. Abdul Razack, Adv.Mohamed Yusuf,



Adv.M.Mohamed Abbas, Kyzer A, Sathik Ali, were involved in the offence and prima facie evidence is available, a Memo for arraigning the accused persons in this case was filed on 04.05.2023 and search warrants were obtained on 05.05.2023, searches were conducted on 09.05.2023 and the accused persons Abdul Razack, A-15, Adv.Mohamed Yusuf, A-16, Adv.M.Mohamed Abbas, A-17, Kyzer A, A-18, Sathik Ali, A-19 were arrested on 09.05.2023 and produced before the Hon'ble NIA Spl Court, along with CD files, the Court, upon perusal of CD files and evaluating the evidence, available against accused persons Abdul Razack, A-15, Adv.Mohamed Yusuf, A-16, Adv.M.Mohamed Abbas, A-17, Kyzer A, A-18, Sathik Ali, A-19 remanded the accused persons in judicial custody. This Respondent submits that at this point of time, the materials cannot be revealed in the present objections and this Respondent is ready to present the CD and other materials before this Hon'ble Court and the same cannot be revealed to the accused at this point of time taking into account of the threat of life and safety of the witness for the perusal of this Hon'ble Court. It is further submitted that the learned Special Judge himself, at the time of remanding the accused, had



also seen the Whatsapp message of A16 and A19 and had rightly remanded the said accused herein. It is also submitted that the Pen drives have been recovered from A16 (Appellant) and A17 and they have to be sent to Forensic examination. The date needs to be scrutinized and the bank details have also to be verified and the investigation with regard to the present Appellant is at its crucial stage and the Investigation Officer has to collate all the said materials. This Respondent submits that the investigation have revealed a prima facie case against the Petitioner and as such, the present petition is premature and the same is liable to be dismissed.

9. That, the above said accused namely Mohammed Yusuf A16 is involved in the offence and prima facie evidence is available, he is the important leader of PFI Recruitment and Training team, and he has knowledge of PFI weapon trainers and places where weapons training were given to PFI cadres. And he involved in the aforesaid process in his capacity of the respective team leaders of PFI. The accused intending to commit unlawful activity, terrorist activity, raising funds for committing terrorist activity, furthering



the activities of terrorist organizations, recruited members for furthering the activities of terrorist organizations it is absolutely essential to unearth the larger conspiracy, and to identify the foreign handlers who are involved in this case.

10. That, the documents seized during the searches need to be scrutinized in detail and the digital devices need to be forensically examined for the purpose of investigations. Further, the Bank account details of the accused persons need to be verified in detail to trace the money trail. Scrunity of the documents seized and the analysis of the digital devices is very important for the purpose of investigations. It is submitted that if the accused are released on bail, there is every chance that he would try to jeopardize the investigations by destroying evidence and intimidating and threatening the witnesses due to which no witnesses will come forward to depose their statement and also the accused will abscond from their usual place of residence.”

It is stated that in the whatsapp chats of A2's mobile phone, it is found that A2 had sent a message explaining what is Mohalla Committee to one



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contact who is saved as “Asif Mangulam President” and that during further scrutiny, it is revealed that the appellant has shared many incriminating materials to A2. Secondly, the statement of L.W.88 with regard to the message sent by A2 for conversing about Mohalla Committee is relied upon by the learned Additional Solicitor General. From the statement of L.W.88, this Court is unable to find any information involving the appellant. However, the statement of L.W.88 which was to implicate A2, has now been relied upon to show that the appellant was found practising for parade. This Court is unable to reconcile and find any logic in involving the appellant.

8. The learned Additional Solicitor General also relied upon the evidence of some of the listed witnesses, namely, L.W.89, L.W.93, L.W.108, L.W.181, L.W.204, L.W.205, L.W.207, L.W.209 and few more listed witnesses who have mentioned the name of the appellant as an Advocate, who participated in the activities of Mohalla Committee, which is an offspring of PFI or about the interest shown by the appellant as an active member of the banned organization. The Hon'ble Supreme Court in *National Investigation Agency v. Zahoor Ahmad Shah Watali*, (2019) 5 SCC 1, has held that the expression “prima facie true” would mean that the material evidence collated by the investigating agency in reference to the



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accusation against the accused concerned in the First Information Report must prevail, until contradicted and overcome or disproved by other evidence. Having held so, the Hon'ble Supreme Court further observed that the Court is expected to record a finding on the basis of broad probabilities regarding the involvement of the accused in the commission of the stated offence. While quoting the judgment in *Ranjithsing Brahmajeetsing Sharma v. State of Maharashtra, (2005) 5 SCC 294*, the Hon'ble Supreme Court has accepted the view that it is not necessary to arrive at a positive finding that the applicant for bail has not committed the offence. In several judgments including the judgment in *Thwaha Fasal*, the Hon'ble Supreme Court with great care observed that the grounds for believing that the accusation against the accused is prima facie true must be reasonable and that the Court while examining the issue of prima facie case, as required by sub-section (5) of Section 43D of the UAPA, is not expected to hold a mini trial and that the Court has to examine the material forming part of the chargesheet for deciding the issue whether there are reasonable grounds for believing that the accusation against the accused is prima facie true.

9. In the case on hand, the appellant, who was not named in the First Information Report, has been implicated on the basis of materials collected



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during further investigation. It is to be noted that the chargesheet has been filed as against the named accused as found in the First Information Report.

From the written objections, there is no new material relied upon and the allegations against the appellant, as per the written objections, are not supported by any material so far collected. It is to be noted that the statements of the listed witnesses is admissible only when the information leads to discovery in terms of Section 27 of the Evidence Act. In the absence of any material document or evidence to believe the version of the listed witnesses, this Court cannot give any importance to the same. Assuming for argument sake that such statement can also be the basis for implicating the appellant, this Court is unable to find any basis to believe that the appellant has committed any offence under Chapters IV and VI of the UAPA. The statements of listed witnesses against the appellant would show that he talked to the witnesses about the functioning of Mohalla Committee and about the weapon training organized by the Committee and about its prime objective to fight against or to retaliate people who indulge in attacking Muslims. Some of the listed witnesses have spoken about the involvement of appellant as a member and advocate wing of PFI and the messages forwarded by him about the aims, objectives and further plan of PFI. The Action Plan of PFI according to the published material though



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refers to unlawful activities to protect Muslim and to retaliate when Muslims are attacked, we are unable to find any substance in the allegations that the appellant is involved in any act satisfying Section 15 of the UAPA. In other words, there is no material to suggest the involvement of the appellant in any terrorist act.

10. In our judgment dated 19.10.2023 in Crl.A.Nos.98, 114 & 116 of 2023 (Barakathullah v. Union of India), we have considered still more serious statements of listed witnesses without materials to connect the accused to attract Section 15 of the UAPA. We have also dealt with what is 'preparatory' to attract Section 18 and held that a preparatory act to commit terrorist act must be proximate to the intended result. This Court, after going through the materials relied upon by the respondents, is unable to draw an inference that the appellant has an intention to commit a terrorist act either by himself or through the other members of banned organization. When the appellant is also charged for his alleged unlawful activities as a member of or participant of an unlawful association, this Court without further materials cannot hold that the appellant is liable to be prosecuted for offences under Chapters IV and VI of the UAPA. In our judgment referred to above, we have also held that there must be material to show that the



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accused had intended to support a terrorist organization or had conspired to do terrorist act in order to attract the offence under Sections 38 & 39 of the UAPA. This Court is unable to find support for the serious allegations even after perusal of the unredacted statement which was produced by the learned Additional Solicitor General.

11. In the present case, the respondent was unable to point out any vital information which could be inferred from any of the objects or materials that were recovered or seized from the premises of the appellant. As pointed out earlier, the respondent had stated that a laptop, two pen drives, a button knife, a notebook and printed notices were recovered from the appellant's house. However, it is stated that the said laptop and pen drives had been sent for analysis. The report of the forensic department is not indicated anywhere. It is not stated in the written objections atleast how the information that can be gathered from the laptop, pen drive and notebook etc., would justify their suspicion the respondent had against the appellant. The respondent in the written objections has stated that the appellant had refused to answer most of the questions, but claimed that he is not an officebearer or member of the PFI. Therefore, it was stated by the respondent that more evidence are yet to be collected from the co-



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conspirators as well as the witnesses and that therefore the custody of the accused including the appellant is necessary. This Court is unable to find any prima facie material to justify or infer as to the appellant's involvement in the commission of offence under Chapters IV and VI of the UAPA.

12. The respondent is unable to produce any material even before this Court about the involvement of the appellant in any terrorist act or any act which can be construed as a terrorist act. In the present case, the case was proceeded against the accused named in the First Information Report. Thereafter, further investigation was sought for to implicate accused nos.14 to 19 including the appellant. As against the appellant, the respondent is still in the process of collecting sufficient materials to implicate him for the offence under Chapters IV and VI of the UAPA. In deciding bail applications, an important factor considered by the Court is the likelihood of delay in concluding the trial. In the present case, though a chargesheet was filed as against the named accused as per the First Information Report, fresh investigation is under process and this Court has already found that hundreds of witnesses have been cited in the chargesheet already filed. Though the appellant is also charged for the offence as a participant and a member of PFI, a banned organization, the charge against the appellant



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does not appear to be for the same occurrence. The further investigation by the respondent will only lead to endless delay and resulting in involving so many suspects in relation to different occurrences by cadres and leaders of PFI. Therefore, this Court is inclined to follow the judgment of the Hon'ble Supreme Court in *Union of India v. K.A.Najeeb*, (2021) 3 SCC 713 for the proposition that the statutory limitation under Section 43D(5) of the UAPA does not oust the power of Constitutional Courts to grant bail for violation of Part-III of the Constitution. On going through the entire material that were produced before this Court, this Court finds no prima facie material for believing the accusation against the appellant for commission of any offence under Chapters IV and VI of the UAPA is prima facie true. The appellant is an Advocate who has already appeared as a counsel on record for some of the accused in relation to the same crime. The plea of mala fides, though is not considered in this appeal, having regard to the whole picture of the case, especially when the investigation against the appellant is not yet over and it is only at preliminary stage as admitted by the respondent, this Court is convinced that the appellant is unfairly projected by the respondent. This Court is also concerned about the serious prejudice that is likely to be caused to the appellant when bail is denied. Article 21 is the most essential feature of our Constitution. The



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appellant, who is an Advocate by profession, has produced before this

WEB COPY Court a memorandum by the Secretary of Madurai Bar Association, in which the appellant is a member. Though there are several accusations against the respondent investigation agency, this Court is inclined to consider some of the informations about the appellant's conduct and attitude as a professional. Applying the same yardstick and the principles we had referred to and followed in Crl.A.Nos.98, 114 & 116 of 2023 and taking into account the fact that the prosecution is only hopeful in getting material to implicate the appellant for the offence under Chapters IV and VI of the UAPA, this Court is unable to sustain the order of the Special Court refusing to grant bail. Equally, for the reason that the materials relied upon by the respondent do not show a prima facie case to believe the accusation against the appellant, this Court is of the view that the appellant is entitled to bail and the impugned order is liable to be set aside.

13. For the aforesaid reasons, this appeal is allowed and the impugned order of the Special Court under the National Investigation Agency Act, 2008 (Sessions Court for Exclusive Trial of Bomb Blast Cases) at Poonamallee, Chennai in Crl.M.P.No.894 of 2023 dated 20.06.2023 is set aside and the appellant/A16 is granted bail on the



following conditions:-

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(i) The appellant shall execute a bond and furnish two sureties for a likesum of Rs.50,000/- [Rupees Fifty Thousand only] each and one of the sureties should be a blood relative to the satisfaction of the learned Judge, Special Court under the National Investigation Agency Act, 2008 (Sessions Court for Exclusive Trial of Bomb Blast Cases) Chennai at Poonamallee, Chennai;

(ii) After coming out from jail, the appellant shall stay at Chennai and shall not leave the Chennai city without the permission of the trial court;

(iii) The appellant shall appear and sign before the trial court every day at 10.30 a.m. until further orders;

(iv) The appellant shall surrender his Passport (if any) before the trial court and if he does not hold a passport, he shall file an affidavit to that effect in the form that may be prescribed by the trial court. In the latter case the trial court will if he has reason to doubt the accuracy of the statement, write to the Passport Officer concerned to verify the statement and the Passport Officer shall verify his record and send a reply within three weeks. If he fails to reply within the said period, the trial court will be entitled to act on the statement of the appellant;

(v) The appellant shall cooperate with the investigation;

(vi) The appellant shall not tamper with evidence and indulge in any other activities which are in the nature of



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preventing the investigation process;

(vii) The appellant shall inform the trial court the address where he resides and if he changes his address, it should be informed to trial court;

(viii) The appellant shall use only one mobile phone during the time he remains on bail and shall inform the trial court his mobile number;

(ix) The appellant shall also ensure that his mobile phone remains active and charged at all times so that he remains accessible over phone throughout the period he remains on bail;

(x) The trial court will be at liberty to cancel bail if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

Index : yes/no

Neutral Citation : yes/no

(S.S.S.R.,J.) (S.M.,J.)

15.12.2023

SS

To

1. The Presiding Officer
Special Court under the National Investigation
Agency Act, 2008 (Sessions Court for Exclusive
Trial of Bomb Blast Cases) at Poonamallee, Chennai



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2. The Chief Investigating Officer /
The Inspector of Police
National Investigation Agency
Chennai Branch, Chennai
3. The Superintendent
Central Prison-I,
Puzhal, Chennai
4. The Special Public Prosecutor
NIA cases, Chennai



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SS

Judgment in
in Crl.A.No.700 of 2023

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S.S.SUNDAR, J.

AND

SUNDER MOHAN, J.

[Order of the Court was made by S.S.SUNDAR, J.,]

After pronouncement of the judgment in the above criminal appeal, Mr.Ar.L.Sundaresan, learned Additional Solicitor General of India made a request orally to grant leave to file Special Leave Petition before the Hon'ble Supreme Court.

2.This Court, having regard to the observations made on facts and the principles reiterated following the judgments of the Hon'ble Supreme Court in several cases, is not inclined to consider the request made by the learned Additional Solicitor General of India.

3.The learned counsel for the appellant requested this Court that a direction may be given to the Trial Court to accept sureties on the basis of the web copy of the judgment.

4.Accordingly, the following direction is given to the Trial Court:-

"It is made clear that the Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial of Bomb Blast Cases, Chennai at Poonamallee, shall accept the sureties on the basis of the web copy to be produced by the Advocates/parties."

[S.S.S.R., J] [S.M., J]

15.12.2023

AP

Internet: Yes