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Crl.A.Nos.746, 747 & 748 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.A.Nos.746, 747 & 748 of 2024

Mohammed Hussain	... Petitioner in Crl.A.Nos.746 of 2024
Jameel Basha	... Petitioner in Crl.A.Nos.747 of 2024
Irshath	... Petitioner in Crl.A.Nos.748 of 2024

Vs.

Union of India represented by
The Inspector of Police,
National Investigating Agency,
Chennai – 600 010.

(in RC.No.01/2023/NIA/CHE) ... Respondent in Criminal Appeals

PRAYER in Crl.A.Nos.746 of 2024: Criminal Appeal filed under Section 374 (2) of Cr.P.C., filed to set aside the order passed in Crl.M.P.No.764/2024 dated 03.05.2024 on the file of the Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases Chennai at Poonamallee, Chennai and grant bail to the appellant in RC.No.01/2023/NIA/CHE pending on the files of the respondent.

PRAYER in Crl.A.Nos.747 of 2024: Criminal Appeal filed under Section 374 (2) of Cr.P.C., filed to set aside the order passed in



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Crl.M.P.No.763/2024 dated 03.05.2024 on the file of the Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases Chennai at Poonamallee, Chennai and grant bail to the appellant in RC.No.01/2023/NIA/CHE pending on the files of the respondent.

PRAYER in Crl.A.Nos.748 of 2024: Criminal Appeal filed under Section 374 (2) of Cr.P.C., filed to set aside the order passed in Crl.M.P.No.765/2024 dated 03.05.2024 on the file of the Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases Chennai at Poonamallee, Chennai and grant bail to the appellant in RC.No.01/2023/NIA/CHE pending on the files of the respondent.

(In all Criminal Appeals)

For Petitioner	: Mr.I.Abdul Basith
For Respondents	: Mr.R.Karthikeyan, Special Public Prosecutor for NIA cases

COMMON ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

This Criminal Appeals have been instituted to assail the orders passed in Crl.M.P.No.764, 763 and 765 of 2024 dated 03.05.2024 on the file of the Special Court under the National Investigation Agency Act,



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2008, Sessions Court for Exclusive Trial for Bomb Blast Cases Chennai at Poonamallee, Chennai and grant bail to the appellants in RC.No.01/2023/NIA/CHE pending on the file of the respondent.

2. The petitioners are accused in RC.No.01/2023/NIA/CHE. The bail applications filed by the appellants under Section 439 Cr.P.C r/w 43D UAP(A) Act had been dismissed. Challenging the said order passed by the Special Court under the National Investigation Agency Act, 2008, the present appeals are filed.

3. Mr.R.Karthikeyan, learned Special Public Prosecutor appearing on behalf of the National Investigation Agency (NIA) would submit that chargesheet has already been filed on 05.08.2024 and yet to be taken on the file by the Special Court.

4. Mr.I.Abdul Basith, learned counsel for the petitioner would submit that, if at all chargesheet has been filed, it is to be taken on file enabling the appellants to defend their case, even for grant of bail under Section 43D of NIA Act. The impugned order rejecting the bail was passed



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by the Special Court during the pendency of the investigation and at that stage, the Court declined to grant bail. Now investigation has already been completed and therefore, the chargesheet filed by the prosecution is to be taken on file, examined for the purpose of consideration of grant of bail to the accused persons. Since chargesheet has already been filed during the pendency of the present criminal appeals filed before this Court, we are inclined to close these appeals, with a liberty to the appellants to file fresh bail application before the Special Court. The chargesheet filed by the prosecution shall be taken on file, if otherwise the same is in order and in accordance with law. In the event of filing any fresh bail application, the same may be considered and order may be passed as expeditiously as possible.

5. Consequently, the Criminal Appeals stand disposed of.

[S.M.S., J.]

[V.S.G., J.]

22.10.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

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1.Special Court under the National Investigation Agency Act, 2008
Sessions Court for Exclusive Trial for Bomb Blast Cases Chennai at
Poonamallee, Chennai.

2.The Inspector of Police,
National Investigating Agency,
Chennai – 600 010.



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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

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