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Crl.A.No.914 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2024

CORAM:

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

Crl.A.No.914 of 2023

Mohammed Thoufeek,
S/o.Mohamed Sheik Fareek

...

Appellant /
Accused No.10

versus

Union of India, Rep.by
The Inspector of Police,
National Investigation Agency,
Chennai Branch, Chennai.
(in R.C.No.01/2022/NIA/CHE)

...

Respondent /
Complainant

PRAYER: Criminal Appeal filed under Section 21(1) of National Investigation Agency Act, 2008, calling for the records and set aside the return adjudication order dated 03.07.2023 in Crl.M.P.Sr.No.1469 of 2023 passed by the Special Court under the National Investigation Agency Act, 2008 in R.C.No.01/2022/NIA/CHE on the file of the respondent and enlarge the appellant on bail in R.C.No.01/2022/NIA/CHE on the file of the respondent.



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For Appellant : Mr.R.Sankara Subbu
for Mr.S.Mohamed Ansar

For Respondent : Mr.AR.L.Sundaresan
Additional Solicitor General of India
Assisted by
Mr.R.Karthikeyan
Special Public Prosecutor for NIA cases

J U D G M E N T

[Order of the Court was made by ***S.M.SUBRAMANIAM, J.***]

The present Criminal Appeal has been instituted challenging the order of the Special Court under the National Investigation Agency Act, 2008 returning the bail application filed by the appellant under Section 167(2) of Cr.P.C. is not maintainable.

2. The order impugned states that the charge sheet has been filed as against the appellant/accused No.10 on 02.06.2023 and the case was taken on file as Special S.C.No.2 of 2023 for the alleged offences under Sections 34, 120B, 121A, 122 and 153A of IPC, Sections 3, 4 and 6 of Explosives Substances Act and Sections 16, 17, 18, 20, 38 and 39 of the Unlawful Activities (Prevention) Act, 1967.



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3. In view of the fact that the final report filed by the respondent was taken cognizance by the trial Court and it was numbered as Special S.C.No.2 of 2023 and hence, the petition filed under Section 167(2) of Cr.P.C. was returned on 03.07.2023. Therefore, we find no infirmity in respect of the order passed by the trial court returning the bail application filed under Section 167(2) of Cr.P.C.

4. Accordingly, this Criminal Appeal stands dismissed.

[S.M.S.J.,] [V.S.G.J.,]
04.10.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



Copy to:

1. The Inspector of Police,
Union of India,
National Investigation Agency,
Chennai Branch, Chennai.
2. The Deputy Registrar,
Current Section,
High Court of Madras,
Chennai - 600 104.
3. The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.



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

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