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Crl.A.No.1230 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2024

CORAM:

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

Crl.A.No.1230 of 2024

Mohamed Faruk @ Faruk

... Appellant

Vs.

Union of India rep. by,
Chief Investigation Officer,
National Investigation Agency,
Kochi Branch,
(Ref – R.C.No.6/2019/NIA/DLI)

... Respondent

PRAYER: Criminal Appeal filed under Section 21(4) of National Investigation Agency Act, 2008, seeking to set aside the order passed in Crl.M.P.No.1428/2024 dated 30.08.2024 on the file of the learned Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial of Bomb Blast and POTA Cases, Chennai at Poonamallee, Chennai.

For Appellant : Mr.I.Abdul Basith

For Respondent : Mr.R.Karthikeyan,
Special Public Prosecutor for NIA



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JUDGMENT

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

The order dated 30.08.2024 passed in Crl.M.P.No.1428 of 2024 in Crl.M.P.No.1011 of 2024 in Spl.S.C.No.20 of 2022 on the file of the learned Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial of Bomb Blast and POTA Cases, Poonamallee, Chennai, is under challenge in the present appeal.

2. The appellant is A11 (presently A17). The appellant's petition seeking bail was considered and bail was granted. Thereafter, the appellant moved the miscellaneous petition before the Special Court for relaxation of bail conditions. The Special Court vide order dated 30.08.2024, modified the bail condition (c) and directed the appellant/A11 to report before the Special Court on every Monday and Friday on working days at 10.30 A.M. until further orders. Other conditions imposed on the appellant remained unaltered.



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3. The learned counsel for the appellant would submit that the appellant had taken treatment for mental illness. In support of the said statement, he relied on the medical report dated 23.08.2024 of the Assistant Professor, Madras Medical College, Chennai. The observation made by the doctor in the said report reads as under:-

“Mr. Mohammed Farkook, 52 years old Male was registered in Institute of Mental Health, Kilpauk, Chennai – 600 010 on 04.06.2024, Patient was advised to come to Institute of Mental Health, for further assessment.

Patient reported to Institute of Mental Health on 08.08.2024 with complaints of sleep disturbance, anger outbursts, increased activity, suspiciousness, talking to self, laughing to self & poor self-care. He was diagnosed (provisional) as a case of Bipolar Affective Disorder with psychotic features / later onset psychosis. He was admitted on 08.08.2024 and was treated with Mood stabilizer and Antipsychotics. He is a known diabetic and hypertensive on



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treatment. At present (23.08.2024) he is getting inpatient treatment at Institute of Mental Health.”

4. The learned Special Public Prosecutor appearing for the respondent would oppose by stating that, after treatment, the appellant was discharged on 26.08.2024. His present mental status has not been ascertained and therefore, the appellant cannot rely upon the observation report dated 23.08.2024.

5. The learned counsel for the appellant would contend that the appellant has to stay alone in a Mansion without the support of family members and he is struggling even to meet out the day-to-day requirements. Therefore, the appellant may be allowed to report before the Police Station at Tiruchirappalli and appear before the Special Court during hearing of the case.

6. Considering the fact that such a request was considered in respect of the other accused in Crl.M.P.No.16168 of 2024, we are inclined to modify the bail condition (ii) imposed by the Special Court in the



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impugned order dated 30.08.2024.

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7. Accordingly, the impugned order dated 30.08.2024 is hereby set aside, only in respect of the appellant/A11 and more specifically, with reference to condition (c) imposed in the original bail order dated 20.05.2024 passed in Crl.M.P.No.1011 of 2024. Consequently, the appellant/A11 shall appear before Vaiyampattai Police Station, Trichy, everyday morning at 10.30 A.M. The appellant/A11 shall appear before the Special Court during all the hearing dates. All other bail conditions imposed by the Special Court remains unaltered.

8. With the above directions and modifications, this Criminal Appeal stands allowed. No costs.

(S.M.S, J.)

(M.J.R, J.)

11.12.2024

Index: Yes
Speaking order



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S.M.SUBRAMANIAM, J.
and
M.JOTHIRAMAN, J.

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To

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

2.The Chief Investigation Officer,
Union of India,
National Investigation Agency,
Kochi Branch,

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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