



Crl.A.No.134 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

Crl.A.No.134 of 2025

A.Kabilan @ Kabilar

... Appellant

Vs.

The Union of India rep. by,
The Deputy Superintendent of Police,
National Investigation Agency,
Branch Office, Chennai.
(RC.No.33/2022/NIA/DLI)

... Respondent

Prayer: Criminal Appeal filed under Section 21(4) of N.I.A. Act, praying to set aside the order in Crl.M.P.No.1689/2024 in Spl.S.C.No.29/2022 dated 08.01.2025 on the file of the Special Court under the National Investigation Agency Act 2008 (Sessions Court for Exclusive Trial of Bomb Blast and Special Court for POTA Cases) Chennai at Poonamallee, Chennai.

For Appellant : Mr.R.Sankarasubbu



Crl.A.No.134 of 2025

WEB COPY

For Respondent : Mr.A.R.L. Sundaresan,
Additional Solicitor General,
assisted by Mr.R.Karthikeyan,
Special Public Prosecutor (NIA)

JUDGMENT

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

The appellant herein who has been implicated for an offence under the provisions of the Arms Act, 1959 and the Explosive Substances Act, 1908, was in imprisonment and thereafter, was granted bail by this Court in Crl.A.No.529 of 2023 with certain conditions. Among other conditions imposed therein, one of the condition was a liberty granted to the Trial Court to cancel bail if any of the conditions stipulated therein are violated or a case for cancellation of bail is otherwise made out.

2. On the ground that the appellant had provided the address where he would reside during the bail period was fake, the respondent had filed an application seeking for cancellation of bail under Section 483(3) of BNSS. The Special Court through its order dated 08.01.2025 passed in Crl.M.P.No.1689 of 2024, had cancelled the bail, which order is assailed



Crl.A.No.134 of 2025

in the present Criminal Appeal.

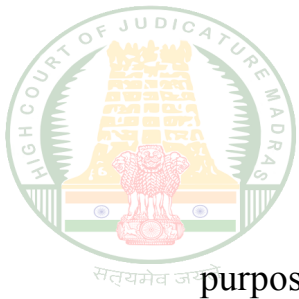
WEB COPY

3. The learned counsel for the appellant would submit that the appellant has a temporary address at Chennai, as well as the permanent address at Salem and that during the bail period, though he had given Chennai address, he had gone to his permanent address at Salem for the purpose of treatment, which fact he inadvertently failed to inform.

4. The learned Additional Solicitor General however, placed reliance on the findings of the Special Court and submitted that there was a condition for the appellant to inform his permanent address/place of residence during the bail period to the respondent and on verification, it was found that the appellant had given a false address since he was not residing therein.

5. It is no doubt true that when one of the conditions in the bail order is violated, the Special Court would be at liberty to cancel the bail in view of Clause 26(x) of the bail order dated 12.12.2023.

6. It is the case of the appellant herein that it is only for the limited



Crl.A.No.134 of 2025

WEB COPY

purpose of taking treatment he had gone to Salem and that he is ordinarily residing at Chennai only.

7. We were inclined to accept the reason assigned by the appellant herein and therefore, had called upon him to give an undertaking to the effect that he would produce both his permanent and temporary address. In response, an affidavit dated 12.03.2025, duly attested by the Jailer, Central Prison-II, Puzhal, Chennai, has been filed before us, wherein his permanent address at No.164, Ayyanar Appan Koil Street, Kallonguthur, Chinnapudur, Salem-7 and his temporary address at 5A, MGR Nagar, 1st Cross Street, Kumananchavadi, Chennai - 56 are furnished. A further undertaking is given by the appellant that in case he shifts his residence during the bail period, he would furnish the new address to the Trial Court, as well as the respondent Police. The submissions made in this affidavit are hereby recorded.

8. Accordingly, this Criminal Appeal stands allowed and the impugned order dated 08.01.2025 passed in Crl.M.P.No.1689 of 2024 in Spl.S.C.No.29 of 2022 by the learned Special Court under the National



Crl.A.No.134 of 2025

WEB COPY

Investigation Agency Act 2008 (Sessions Court for Exclusive Trial of Bomb Blast and Special Court for POTA Cases) Chennai at Poonamallee, Chennai, is hereby set aside. Consequently, the appellant shall be enlarged on bail on the following conditions:-

- (i) The appellant shall execute a bond and furnish two sureties for a like sum of Rs.10,000/- [Rupees Ten 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;
- (ii) After coming out from jail, the appellant shall stay at Chennai and shall not leave Chennai city without the permission of the Trial Court;
- (iii) The appellant shall appear and sign before the respondent police every day at 10.30 A.M. until further orders and shall appear before the Trial Court on all hearing dates;
- (iv) The appellant shall surrender his Passport (if any)



WEB COPY



Crl.A.No.134 of 2025

before the Trial Court and if he do 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 records 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 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 the Trial Court and to the respondent police;



Crl.A.No.134 of 2025

WEB COPY

- (viii) The appellant shall use only one mobile phone during the time he remains on bail and shall inform the Trial Court and respondent police, 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 remain 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.

[M.S.R, J.]

[N.S, J.]

18.03.2025

Index: Yes/No

Speaking order/Non-speaking order

Sni

Note: Issue order copy on 20.03.2025



WEB COPY



Crl.A.No.134 of 2025

M.S.RAMESH, J.
and
N. SENTHILKUMAR, J.

Sni

To

1.The Deputy Superintendent of Police,
Union of India,
National Investigation Agency,
Branch Office, Chennai.

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

3.The Superintendent,
Central Prison-II, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

Crl.A.No.134 of 2025

18.03.2025