



CRL.A.No.185 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 04.03.2025

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH
and
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

CRL.A.No.185 of 2025

G.Dharmendiran

...Appellant

vs.

The Union of India,
Represented by its
The Deputy Superintendent of Police,
National Investigation Agency,
Chennai – 10.
(Crime RC.No.02/2022/NIA/DLI)

...Respondent

Prayer: Criminal Appeal filed under Section 21 (4) of National Investigation Agency Act, 2008 to set aside the order passed by the Special Court under the National Investigation Agency Act (Sessions Court for Exclusive Trial of Bomb Blast Cases), Poonamallee at Chennai in Crl.M.P.No.2751 of 2024 dated 21.01.2025 in Spl.S.C.No.1 of 2022 and to enlarge the appellant on bail.

For Appellant : Mr.Maharajan

For Respondent : Mr.R.Karthikeyan

Special Public Prosecutor for NIA



CRL.A.No.185 of 2025

J U D G M E N T

WEB COPY

(Judgment of the Court was made by N.Senthilkumar, J.)

This Criminal Appeal is filed challenging the order passed by the Special Court dated 21.01.2025 in Crl.M.P.No.2751 of 2024 in Spl.S.C.No.1 of 2022 and to enlarge the appellant on bail.

2.The appellant was arrested on 13.10.2021 by the Q Branch Police, Chennai for offences under Sections 12(1)(b), 12(1A) (a) of Passport Act, 1967 r/w Sections 420, 465, 468 and 471 of IPC r/w Section 14(a) of the Foreigners (Amendment) Act and FIR was altered by adding Sections 120B, 420, 465, 468, 471 of IPC and Sections 18, 39 and 40 of Unlawful Activities (Prevention) Act, 1967. The appellant is arrayed as A5.

3.The learned counsel appearing for the appellant would submit that bail was granted to the appellant by this Court in Crl.A.No.715 of 2022 on 01.11.2022. Thereafter, the appellant was regularly appearing before the Trial Court. On 11.12.2024, the appellant could not appear before the Trial Court. Therefore, Nonailable Warrant was issued against the appellant. The warrant recall application was filed



CRL.A.No.185 of 2025

by the appellant and the same was dismissed by the Special Court and remanded the appellant to Judicial custody from 18.12.2024. From that date onwards, the appellant is in prison.

4.Learned counsel appearing for the appellant would submit that the appellant was regularly appearing before the Trial Court on every hearing date prior to 11.12.2024. His absence on 11.12.2024 was neither wilful nor wanton.

5.Per contra, the learned Special Public Prosecutor appearing for the respondent Police would submit that the appellant after obtaining bail granted by this Court, had shifted his place of residence. On verification, the persons who stood as sureties for the appellant were also found to be bogus. The learned Special Public Prosecutor would strongly object the present appeal by stating that, if the appellant is enlarged on bail, he could not be secured.

6.Heard Mr.Maharajan, learned counsel appearing for the appellant and Mr.R.Karthikeyan, learned Special Public Prosecutor, appearing for the respondent Police.



CRL.A.No.185 of 2025

7.It is not in dispute that, this Court has granted bail to the appellant on 01.11.2022 and Non Bailable Warrant was issued by the Special Court. As the prosecution raised strong objection with regard to the place of residence of the accused, the appellant shall file an affidavit regarding his permanent address proof along with Aadhar Card, Voter ID and shall furnish sufficient sureties to the satisfaction of the Special Court and shall appear before the Special Court for the trial to proceed.

8.Considering the above facts, the appeal is allowed and bail is granted to the appellant as per the bail conditions stipulated in the order in Crl.A.No.715 of 2022 with a modification as follows:

(a) on each of them executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Special Court under the National Investigation Agency Act, 2008 (Sessions Court for Exclusive Trial of Bomb Blast Cases), Poonamallee, Chennai;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge Special Court may obtain a copy of



WEB COPY



CRL.A.No.185 of 2025

their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the appellant shall report before the Special Court every day at 10.30 a.m. and also on all the hearing dates until further orders;

(d) the appellant shall not leave the State of Tamil Nadu without intimating the respondent Police;

(e) the appellant shall not commit any offences of similar nature;

(f) the appellant shall not abscond during trial;

(g) the appellant shall not tamper with evidence or witness during trial;

(h) on breach of any of the aforesaid conditions the learned Judge Special Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Judge, Special Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560];



WEB COPY



CRL.A.No.185 of 2025

(i) if the appellant thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

9.In the result, the appeal is allowed.

(M.S.R.,J) (N.S.,J)
04.03.2025

Index: yes/no
Speaking order:yes/no
Neutral Citation:yes/no
pam



CRL.A.No.185 of 2025

WEB COPY

To

- 1.The Special Court under National
Investigation Agency Act
(Sessions Court for Exclusive Trial of
Bomb Blast Cases), Poonamallee at Chennai.
- 2.The Deputy Superintendent of Police,
National Investigation Agency,
Chennai – 10.
(Crime RC.No.02/2022/NIA/DLI)



WEB COPY



CRL.A.No.185 of 2025

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

pam

CRL.A.No.185 of 2025

04.03.2025