



Crl.A. No.252 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**  
and  
THE NONOURABLE MR.JUSTICE **N.SENTHILKUMAR**

**Criminal Appeal No.252 of 2025**

Ziyavudeen Baqavi

.. Appellant/A3

Vs.

Union of India,  
Rep. by the Inspector of Police,  
National Investigation Agency,  
Chennai.  
(RC No.08/2021/NIA/DLI)

.. Respondent

\* \* \*

**Prayer :** Criminal Appeal filed under Section 21(4) of the National Investigation Agency Act, 2008, to set aside the impugned order in Crl.M.P.No.22 of 2025 dated 08.01.2025 on the files of the learned Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases, Chennai, Poonamallee, Chennai and consequent remand of the appellant.

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For Appellant : Mr.I.Abdul Basith

For Respondent : Mr.R.Karthikeyan  
Special Public Prosecutor



Crl.A. No.252 of 2025

## JUDGMENT

*(delivered by M.S.RAMESH, J.)*

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The present criminal appeal is filed challenging the order of the learned Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases, Chennai, Poonamallee, Chennai, dated 08.01.2025 made in Crl.M.P.No.22 of 2025 in Spl.S.C.No.26 of 2022.

2. The appellant/accused No.3 was arrested on 24.02.2022 in connection with FIR in R.C.No.8/2021/NIA/DLI for the offence under Sections 120B, 124A, 153(A), 153(B), 505(1)(b), 505(1)(c) and 505(2) IPC and Sections 13(1)(b) of the Unlawful Activities (Prevention) Act, 1967 and the respondent police filed a charge sheet against the appellant in Spl.S.C.No.26 of 2022 on the file of the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases, Chennai at Poonamallee, Chennai. Subsequently, the appellant filed a bail petition in Crl.M.P.No.125 of 2022 before the Special Court, which came to be allowed by granting bail with certain conditions. Consequently, the appellant was arrested on 27.12.2024 and remanded by All Women Police Station,



Crl.A. No.252 of 2025

Thiruvaidaimaruthar in Crime No.31 of 2024. While so, the case in Spl.S.C.No.26 of 2022 was posted for hearing on 08.01.2025 and the learned counsel for the appellant filed a petition under Section 317 Cr.P.C on the same day, stating that the appellant was arrested in a different case. However, the Special Court had dismissed the same and issued a Non Bailable Warrant against the appellant on 08.01.2025. Thereafter, a petition to enlarge the appellant on bail was filed in Crl.M.P.No.22 of 2025 under Section 439 Cr.P.C, and the same was also dismissed by the Special Court. Challenging the said order, the present appeal is filed.

3. Heard Mr.I.Abdul Basith, learned counsel for the appellant and Mr.R.Karthikeyan, learned Special Public Prosecutor for the respondent and perused the materials available on record.

4. We are unable to appreciate the reason assigned by the Special Court, rejecting the appellant's application under Section 317 Cr.P.C. When there is a specific averment that the appellant was arrested in connection with a different case in Crime No.31 of 2024 by the All Women Police Station, Thiruvaidaimaruthar, the appellant would not have been in a position to



Crl.A. No.252 of 2025

present himself before the Special Court. As such, this reason ought to have been accepted by the Special Court.

5. In the light of the above, this appeal is allowed and the order of the Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases, Chennai, Poonamallee, Chennai, dated 08.01.2025 made in Crl.M.P.No.22 of 2025 in Spl.S.C.No.26 of 2022, is set aside. Consequently, the appellant shall be released on bail on the following conditions:

(a) The appellant shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand Only) with two sureties each for a likesum to the satisfaction of the Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases, Chennai, Poonamallee, Chennai;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) The appellant shall report before the Special Court on the 1st working day of every month at 10.30 a.m until further orders;



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CrI.A. No.252 of 2025

(d) The appellant shall not leave the State of Tamil Nadu without prior permission from the Special Court.

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

(f) The appellant shall not abscond during the trial;

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

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

(i) If the appellant thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

[M.S.R., J.] [N.S., J.]  
**28.03.2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

**Note: Issue order copy on 28.03.2025**



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Crl.A. No.252 of 2025

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

To

- 1.The Special Court under the  
National Investigation Agency Act,  
2008, Sessions Court for Exclusive  
Trial for Bomb Blast Cases, Chennai,  
Poonamallee, Chennai
- 2.The the Inspector of Police,  
National Investigation Agency,  
Chennai.
- 3.The Superintendent of Prison,  
Central prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras

Crl. A. No.252 of 2025

Dated : 28.03.2025