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Crl.A.Nos. 705 & 716 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.Nos. 705 & 716 of 2025

Crl.A.No.705 of 2025

H.Mohammad Mourice, M/36,
S/o. Hidhayathullah,
No.2, Hajrath Ali, II Street,
Masoothi Colony Main Road,
Rajakilpakkam, Chennai – 600 073

.. Appellant

VS

Union of India,
Rep. by its Inspector of Police,
National Investigation Agency,
Chennai – 600 010.

.. Respondent

Crl.A.No.716 of 2025

H.Kader Navas Sherif @ Javed, M/35,
S/o. Hussain Sherif,
Masoothi Colony Main Road,
Kamarajapuram, Sembakkam Selaiyur,
Chengalpattu – 600 073.

.. Appellant

VS

Union of India,
Rep. by its Inspector of Police,
National Investigation Agency,
Chennai – 600 010.



Crl.A.Nos. 705 & 716 of 2025

(RC.No.02/2024/NIA/CHE)

.. Respondent

Prayer in Crl.A.No.705 of 2025 : Appeal filed under Section 21(4) of the National Investigation Agency Act, 2008 to set aside the order passed in Crl.M.P.No.2663/2024 dated 19.02.2025 on the file of the Hon'ble Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases Chennai at Poonamallee, Chennai and grant bail to the appellant in RC.No.02/2024/NIA/CHE pending on the file of the respondent and pass such or other suitable and appropriate orders in the circumstances of this Hon'ble Court deems fit and proper and thus render justice.

Prayer in Crl.A.No.716 of 2025 : Appeal filed under Section 21(4) of the National Investigation Agency Act, 2008 to set aside the order passed in Crl.M.P.No.2664/2024 dated 19.02.2025 on the file of the Hon'ble Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases Chennai at Poonamallee, Chennai and grant bail to the appellant in RC.No.02/2024/NIA/Che pending on the file of the respondent and pass such or other suitable and appropriate orders in the circumstances of this Hon'ble Court deems fit and proper and thus render justice.

(In both cases)

For Appellant : Mr.I.Abdul Basith

For Respondent : Mr.R.Karthikeyan
Special Public Prosecutor (NIA)

COMMON JUDGMENT

(Delivered by Dr. ANITA SUMANTH, J.)

A common order is passed in these two criminal appeals since the facts arising for consideration as well as legal issues are common, and since both the appellants are co-accused in a charge sheet filed on 15.11.2024 in Crime No.173 of 2024 involving offences under Sections 34, 120B, 153A, and 153B of IPC and Sections 13 and 18 of the



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Unlawful Activities (Prevention) Act, 1967 (in short 'UAPA').

2. We have heard Mr.I.Abdul Basith, learned counsel for the appellants and Mr.R.Karthikeyan, learned Special Public Prosecutor for the respondents.

3. The submissions on behalf of the Appellants are that the chargesheet as above related to a total of seven accused, bail was rejected only in the cases of A2, A4 and A5, that the Appellants have not been furnished the grounds of arrest till date which violates the principles of natural justice and law as well as the ratio of several judgements of the Apex Court, and that A2 has been granted bail by judgment of the Supreme Court in *Ahmed Mansoor and others v. The State represented by Assistant Commissioner of Police and another*¹.

4. Learned Special Public Prosecutor does not dispute the fact that the Appellants have not been furnished the grounds of arrest. Neither is there any dispute in regard to the position that A2 in charge sheet dated 15.11.2024 where the Appellants are arrayed as A4 and A5, has been granted bail on 14.10.2025 by the Supreme Court.

5. The facts in brief are, that a charge sheet was laid as against seven accused in respect of the offences adumbrated in paragraph 1 supra. Bail had been sought by the Appellants and denied by the Principal

¹ 2025 Livelaw (SC) 2026
3/11



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Sessions Judge, Chennai in Crl.M.P.No.16924 of 2024 vide order dated 26.06.2024. Thereafter, the Appellants had approached this Court seeking bail in Crl.O.P.No15683 of 2024, but had withdrawn the petition on 12.11.2024.

6. The present petitions have been instituted on account of the change in circumstances since the withdrawal of the earlier O.P.s, as investigations is now stated to be complete. One of the accused, A2 had suffered an adverse order from this Court as against which he had approached the Supreme Court. The primary ground pursued by that accused, as also by the Appellants before us, is the non- furnishing of grounds of arrest.

7. *In Mihir Rajesh Shah v. State of Maharashtra & anr.*², the Supreme Court while holding that the grounds of arrest must be supplied to the person within a reasonable time, held as follows:

56. In conclusion, it is held that:

i) The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all



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offences under all statutes including offences under IPC 1860 (now BNS 2023);

ii) The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands;

iii) In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally. The said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate.

iv) In case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free.

8. It is an admitted position that the appellants have not been furnished with the grounds of arrest till date. The Supreme Court, in *Ahmed Mansoor*³ has taken note of its earlier judgments in *Pankaj Bansal v Union of India and Ors*⁴ and *Prabir Purkayastha v. State (NCT of Delhi)*⁵ cited on behalf of that accused, and *Kasireddy Upender Reddy v. State of Andhra Pradesh and others*⁶ and *State of Karnataka v. Shri Darshan etc.*⁷, cited on behalf of the respondent Prosecution.

9. The case of *Shri Darshan*⁸ was distinguished on facts, the Court noting that that matter related to cancellation of bail where charge sheet had been filed and the grounds of detention had been served immediately.

10. Citing the judgement in *Vihaan Kumar v. State of Haryana*, and

3 Foot Note Supra (1)

4 2024 (7) SCC 576

5 2024 (8) SCC 254

6 Criminal appeal.No. 2808 of 2025 order dated 23.05. 2025

7 Criminal appeal Nos.3528 to 3524 of 2025 order dated 14.08.2025

8 Foot Note Supra (6)



another⁹ and Kasireddy Upender Reddy¹⁰ wherein the law laid down in

*Vihaan Kumar's*¹¹ case has been approved, the appeal came to be allowed on the admitted premise that the grounds of the arrest had not been furnished when the accused had been secured. The operative portion of the judgement in *Ahmed Mansoor*¹² reads thus:

46.Now, coming to the aspect as to whether the grounds of arrest were actually conveyed to the appellant in writing before he was remanded to the custody of the investigating officer.

47.We have perused the arrest memo (Annexure P-7) and find that the same nowhere conveys the grounds on which the accused was being arrested.

The arrest memo is simply a proforma indicating the formal “reasons” for which the accused was being arrested.

48.It may be reiterated at the cost of repetition that there is a significant difference in the phrase “reasons for arrest” and “grounds of arrest”. The “reasons for arrest” as indicated in the arrest memo are purely formal parameters viz. to prevent the accused person from committing any further offence; for proper investigation of the offence; to prevent the accused person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; to prevent the arrested person for making inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to the investigating officer. These reasons would commonly apply to any person arrested on charge of a crime whereas the “grounds of arrest” would be required to contain all such details in hand of the investigating officer which necessitated the arrest of the accused. Simultaneously, the grounds of arrest informed in writing must convey to the arrested accused all basic facts on which he was being arrested so as to provide him an

9 2025 (5) SCC 799

10 Foot Note Supra (5)

11 Foot Note Supra (8)

12 Foot Note Supra (1)



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opportunity of defending himself against custodial remand and to seek bail. Thus, the “grounds of arrest” would invariably be personal to the accused and cannot be equated with the “reasons of arrest” which are general in nature.” In Vihaan Kumar v. State of Haryana & Anr., this Court, in the supplementing judgment, was pleased to observe as follows:

“3. The purpose of inserting [Section 50A](#) of the CrPC, making it obligatory on the person making arrest to inform about the arrest to the friends, relatives or persons nominated by the arrested person, is to ensure that they would be able to take immediate and prompt actions to secure the release of the arrested person as permissible under the law. The arrested person, because of his detention, may not have immediate and easy access to the legal process for securing his release, which would otherwise be available to the friends, relatives and such nominated persons by way of engaging lawyers, briefing them to secure release of the detained person on bail at the earliest. Therefore, the purpose of communicating the grounds of arrest to the detainee, and in addition to his relatives as mentioned above is not merely a formality but to enable the detained person to know the reasons for his arrest but also to provide the necessary opportunity to him through his relatives, friends or nominated persons to secure his release at the earliest possible opportunity for actualising the fundamental right to liberty and life as guaranteed under [Article 21](#) of the Constitution. Hence, the requirement of communicating the grounds of arrest in writing is not only to the arrested person, but also to the friends, relatives or such other person as may be disclosed or nominated by the arrested person, so as to make the mandate of [Article 22\(1\)](#) of the Constitution meaningful and effective failing which, such arrest may be rendered illegal.”

Learned Senior counsel appearing for the respondent(s) has placed reliance on recent decisions of this Court in Kasireddy Upender Reddy v. State of Andhra Pradesh and Ors.- Criminal Appeal No.2808/2025 dated 23.05.2025 and State of Karnataka



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v. Sri Darshan Etc. - Criminal Appeal Nos. 3528- 3534/2025 dated 14.08.2025.

In State of Karnataka v. Sri Darshan Etc.(supra) the facts governing are quite different. It was a case dealing with the cancellation of bail where the charge sheet had been filed and the grounds of detention were served immediately. This Court has, in fact, given its approval to the decision in Vihaan Kumar v. State of Haryana & Anr.(supra). Similarly, in Kasireddy Upender Reddy v. State of Andhra Pradesh and Ors. (supra), this Court was pleased to hold in para 27 that the object underlying the provision that the grounds of arrest should be communicated has been explained by this Court in Vihaan Kumar v. State of Haryana & Anr (supra). Therefore, the law as laid down in Vihaan Kumar v. State of Haryana & Anr (supra) has been approved and reiterated in the abovesaid decisions.

In such view of the matter, we are inclined to hold that the present appeal deserves to succeed only on the ground that the mandate of furnishing the grounds of arrest at the time of securing the appellants has not been complied with. Therefore, we are not inclined to go into the merits of the case.

However, while setting aside the order passed by the High Court and consequently setting aside the order of arrest and remand, we would only say that liberty is granted to the respondents to take recourse to law, to arrest, if a case is made out.

Suffice it is to state that the explanation by the Court before whom the arrestees are produced can never be an adequate compliance of furnishing the grounds of arrest at the time of securing an accused.

The appeal stands allowed, accordingly.

11. Thus, the settled proposition that emanates is that the grounds of arrest must be supplied to an accused at the time when the accused is apprehended or within a reasonable time thereafter. In the present case, the appellants have been secured on 25.05.2024 at 19.45 hrs. and the



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grounds of the arrest have not been supplied at all. This is an admitted position. The case of the co-accused, A2, has also been allowed by the Supreme Court on the same facts as present themselves in this case.

12. In light of the discussion as above, particularly the admitted fact that the grounds of arrest have not been supplied to the appellants at all, there has been a gross violation of the law, and these appeals deserve to be allowed.

13. Accordingly, these Criminal Appeals are allowed. The conviction and sentence imposed upon the appellants/accused vide judgments dated 19.02.2025 in Crl.M.P.Nos.2663 and 2664 of 2024 in R.C.Nos.02/2024/NIA/CHE, on the file of the Special Court under the National Investigation Agency Act (Sessions court for Exclusive Trial of Bomb Blast Cases and Spl. Court for NIA Cases, Chennai) are set aside. The appellants/accused are acquitted of the charges. Bail bond, if any, executed shall stand discharged. However, liberty is granted to the respondents to take recourse to law to arrest, if such a case is made out.

[A.S.M, J.] [S.M, J.]
28.04.2026

Index: Yes/No
Neutral Citation: Yes/No
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To
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- 1.The Inspector of Police,
National Investigation Agency,
Chennai – 600 010.
- 2.The Hon'ble Special Court under the National Investigation Agency
Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases
Chennai at Poonamallee, Chennai.
- 3.The Superintendent,
Central Prison, Puzhal – II, Chennai.
- 4.The Special Public Prosecutor (NIA),
High Court, Madras.



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