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CrI.A.No.977 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CrI.A.No. 977 of 2025

Akram Zindha
S/o.Subhakani

..... Appellant

Vs.

The State rep.by
Deputy Superintendent of Police,
CBCID, Coimbatore,
Crime No.3 of 2017.

..... Respondent

Prayer: Criminal Appeal filed under Section 21 of NIA Act, to call for the records and set aside the order in CrI.M.P.No.2134 of 2025 in S.C.No.195 of 2017 pending on the file of the learned Principal District and Sessions Judge, Coimbatore and enlarge the appellant on bail in connection with S.C.No.195 of 2017 pending on the file of the learned Principal District and Sessions Judge, Coimbatore.

For Appellant : Mr.R.Vivekananthan



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For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

For Intervenor : Mr.D.Nagasaila

J U D G M E N T

(Order of the Court was made by P.VELMURUGAN, J.)

This Criminal Appeal has been filed challenging the order of dismissal dated 03.06.2025 passed in CrI.M.P.No.2134 of 2025 in S.C.No.195 of 2017 by the Principal District and Sessions Judge, Coimbatore, and seeking to enlarge the appellant on bail.

2. The appellant herein, who is arrayed as A1, is facing trial along with A2 to A6 in S.C.No.195 of 2017, arising out of Crime No.3 of 2017 on the file of the Principal District and Sessions Court, Coimbatore, for the offences punishable under Sections 120(b), 147, 148, 302, 149 and 34 IPC and Sections 15(1)(a)(ii), 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 read with 153(a) IPC. The trial commenced on 22.09.2024, and four witnesses have so far been examined as P.W.1 to P.W.4.



3. It is the specific case of the prosecution that on 19.11.2024, during the course of trial, one Nehrudass (L.W.48), a key prosecution witness, was criminally intimidated with threats of murder by all the six accused within the Court premises. It is further alleged that the father of the appellant (A1) attempted to assault L.W.48 and threatened him with dire consequences. According to the prosecution, the said incident caused serious fear, trauma and intimidation to the prosecution witnesses, thereby adversely affecting the fair conduct of the trial. Based on the complaint lodged by L.W.48, a case in Crime No.558 of 2024 was registered by the Coimbatore City C.2 Race Course Police Station. Pursuant thereto, the prosecution filed a petition for cancellation of bail in CrI.M.P.No.6879 of 2024 in S.C.No.195 of 2017 before the learned Principal District and Sessions Judge, Coimbatore, which was allowed, and the bail earlier granted to the accused came to be cancelled by order dated 13.12.2024. Thereafter, the appellant herein, along with A3 and A6, filed CrI.M.P.No.2134 of 2025 before the trial Court seeking bail in Crime No.3 of 2017. The said petition was dismissed on 03.06.2025 and the said order of dismissal is under challenge in the instant appeal.



4. The learned counsel for the appellant submitted that, according to the prosecution, on 19.11.2024, during the course of trial, the appellant/A1 along with A2 to A6 allegedly threatened L.W.48, a listed witness, with dire consequences, and that the father of A1 attempted to assault L.W.48 inside the Court hall. It was contended that though as many as 122 witnesses have been cited in the charge sheet, only four witnesses have been examined so far. Therefore, the claim that L.W.48 was regularly attending the trial Court is unbelievable. It is further submitted that no summon had been issued to L.W.48 for his appearance on the said date and, therefore, his presence in the Court on 19.11.2024 is doubtful. According to the learned counsel, no such incident had occurred as alleged, the appellant had never indulged in any act of intimidation or interference with the trial, and he has been falsely implicated with the sole intention of keeping him in continued incarceration.

5. The learned counsel further submitted that the appellant has been in custody for more than one year, the prime witness, P.W.1, has already been examined and that the trial Court dismissed the bail petition without proper consideration of these relevant circumstances. Hence, the learned counsel prayed that the appellant may be enlarged on bail, undertaking that he would



abide by any condition imposed by this Court.

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6. *Per contra*, the learned Additional Public Prosecutor appearing for the respondent-Police submitted that totally 122 witnesses are listed as List of Witnesses and four witnesses are examined as P.W.1 to P.W.4. It was contended that on 19.11.2024, L.W.48 a crucial prosecution witness, was criminally intimidated within the Court premises by the appellant/A1 along with the other accused, and that the father of A1 attempted to assault the said witness, thereby, creating fear and trauma not only to L.W.48 but also to other prosecution witnesses. It was further contended that in the case several material witnesses are yet to be examined, and that if the appellant is enlarged on bail there is a possibility of hampering the witnesses and tampering the trial. The trial Court, after due consideration of the materials on record and the conduct of the appellant, rightly dismissed the bail petition. Hence, he prayed for dismissal of the appeal.

7. The learned counsel appearing for the intervenor submitted that the prosecution witnesses, are facing a serious threat to their lives from the appellant/A1 and his family members. It was contended that though bail had



earlier been granted to the appellant by the trial Court, the same came to be cancelled owing to the conduct of the appellant. It was therefore, submitted that the trial Court, having rightly taken into consideration the nature and gravity of the offences as well as the allegations of witness intimidation, dismissed the bail application of the appellant.

8. Heard the learned counsel on either side and perused the materials available on record.

9. It is seen that the appellant/A1 is facing trial in S.C.No.195 of 2017 before the designated Court. The trial commenced on 24.09.2024 and four witnesses have been examined till date. In order to ascertain the present status of the case, this Court called for a report from the designated Court on 05.01.2026. Pursuant thereto, a report dated 06.01.2026 has been received from the learned Principal District Judge, Coimbatore, wherein it is stated that on 19.11.2024, L.W.2 and L.W.4 were examined as P.W.3 and P.W.4, and at that time, L.W.48 who had come to meet the Special Public Prosecutor, was criminally intimidated and threatened with dire consequences by all the accused, including the appellant herein and his



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family members. It is further stated in the report that due to the said incident, the prosecution witnesses are not coming forward to depose, out of fear, thereby affecting the progress of the trial. The report also discloses that the appellant herein and the other accused have filed petitions seeking recall of P.W.1 and the same are pending enquiry before the trial Court.

10. On consideration of the rival submissions and materials placed on record, including the report dated 06.01.2026, this Court is of the view that, due to the conduct of the appellant and his family members, the prosecution witnesses were reluctant to depose out of fear, thereby, affecting the progress of the trial. The pendency of petitions seeking recall of P.W.1, coupled with the allegations of intimidation, indicates conduct capable of prejudicing the fair conduct of the trial. At this stage, when several prosecution witnesses remain to be examined, enlarging the appellant on bail would pose a real risk to witness safety and the integrity of the trial process.

11. In such circumstances, this Court finds no perversity or infirmity in the order dated 03.06.2025 passed by the trial Court in CrI.M.P.No.2134



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of 2025, warranting interference by this Court. Accordingly, this Criminal Appeal is dismissed.

(P.V., J.) (M.J.R., J.)
07.01.2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1. The Principal District and Sessions Judge,
Coimbatore
2. The Superintendent of Prison,
Central Prison, Coimbatore.
3. The Deputy Superintendent of Police,
CBCID, Coimbatore,
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.
and
M.JOTHIRAMAN, J.

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