



WEB COPY



CRLA.Nos.1062 & 1063/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 01.12.2023

DELIVERED ON 12.12.2023

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRLA.Nos.1062 & 1063/2023

R.Umar Sheriff @ Umar Juice

.. Appellant /  
A13 in Crl.A.No.1062/2023

Mohammed Sigam

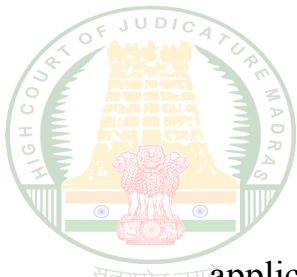
.. Appellant /  
A2 in Crl.A.No.1063/2023

Versus

Union of India  
rep.by the Inspector of Police  
National Investigation Agency  
Chennai Branch.

.. Respondent in both the  
Appeals

**Prayer in Crl.A.No.1062/2023:-** Criminal Appeal filed under Section 21[4]  
of the National Investigation Agency Act, 2008, 'against the dismissal of bail



WEB COPY

application vide order dated 07.07.2023 made in CrI.MP.No.1128/2023 on the file of the Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai.

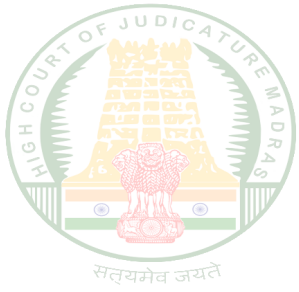
**Prayer in CrI.A.No.1063/2023:-** Criminal Appeal filed under Section 21[4] of the National Investigation Agency Act, 2008, against the dismissal of bail application vide order dated 07.07.2023 made in CrI.MP.No.1127/2023 on the file of the Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai.

For Appellants in both  
Criminal Appeals

: Mr.T.Mohan  
Senior Counsel for  
Mr.I.Abdul Basith

For Respondent in both  
Appeals

: Mr.Ar.L.Sundaresan  
Additional Solicitor General  
assisted by Mr.R.Karthikeyan,  
Special Public Prosecutor [NIA  
cases]

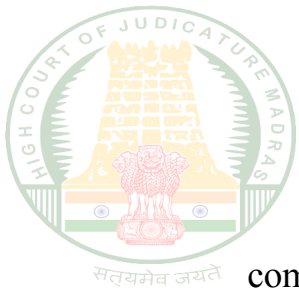


**COMMON JUDGMENT**

WEB COPY

**SUNDER MOHAN, J.**

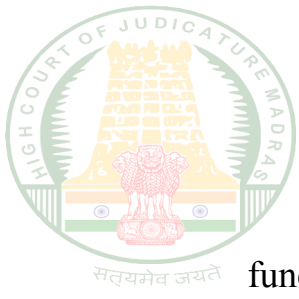
- (1) Both the criminal appeals challenge the orders dismissing the bail applications filed by the appellants herein.
- (2) The appellants are accused in Spl.SC.No.01/2023. The appellant in CrI.A.No.1062/2023 is arrayed as A13 and the appellant in CrI.A.No.1063/2023 is arrayed as A2. For the sake of convenience, the appellants are referred to as per their ranking in the Final Report.
- (3) The respondent filed the Final Report against 14 accused for the alleged offences under Sections 120B, 153A, 153AA of IPC and under Sections 13, 17, 18, 18B, 38 and 39 of the Unlawful Activities [Prevention] Act, 1967 [*hereinafter referred to as "the UAPA"*].
- (4) Brief facts leading to the filing of the above two appeals are as follows:-
- (5) It appears that the Central Government has received information that the office bearers, members and cadres of an Organization known as "Popular Front of India [*hereinafter referred to as PFI*] having its registered office at New Delhi and its Unit office all over India, along with others are conspiring and collecting funds within India and abroad for



WEB COPY

committing terrorist act in various parts of India including States of Kerala, Tamil Nadu, Karnataka, Uttar Pradesh etc. The First Information Report was registered in RC.No.14/2022 on 13.04.2022. The complaint was registered against 21 named individuals and other unknown persons by the National Investigation Agency [*hereinafter referred to as NIA*] before the Police Station, NIA, New Delhi, for offences under Sections 120B and 153A of IPC and under Sections 17, 18, 18B, 20, 22B, 38 and 39 of UAPA. Following that, another complaint was also registered vide RC.No.42/2022/NIA/DLI on 19.09.2022 as against 13 named individuals including the appellants herein and other unknown persons for offences under Sections 120B, 153A, 153AA of IPC and Sections 13, 17, 18, 18B, 38 and 39 of UAPA before the Police Station, NIA, New Delhi.

(6) It is seen that the second complaint also was based on the alleged credible information received by the Central Government about the activities of the Organization, namely, PFI, which is described as an extremist Islamic Organization, spreading its extremist ideologies across Tamil Nadu, by establishing State Headquarters at Purasaiwalkkam, Chennai. In the FIR itself, serious allegations were made against the Organization and its



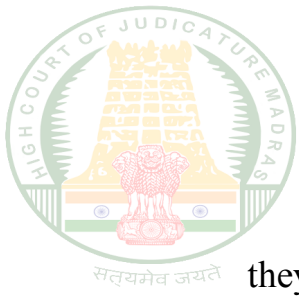
WEB COPY

functionaries, who according to the complaint, hatched a conspiracy to unleash terrorist acts against perceived anti-islamic forces of other religions by deploying its 'hit squads', to attack, assault, maim and murder them with an intention to threaten the unity, integrity, security and sovereignty of India and with an intention to strike terror.

(7)The complaint against the appellants and others in the second FIR in RC.No.42/2022/NIA/DLI discloses further allegations against the accused persons. Even though specific allegations against individuals are not made with reference to any incident, it is seen that a general statement is found to the effect that the activities referred to in the complaint attract Sections 120B, 153A, 153AA of IPC and Sections 13, 17, 18, 18B, 38 and 39 of UAPA.

(8)A2 surrendered on 22.11.2022 and A13 was arrested on 14.12.2022.

(9)Mr.T.Mohan, learned Senior Counsel appearing for the appellants submitted that the co-accused in this case, namely, A7, A1, A3, A4, A5, A6, A8 and A9 have been granted bail pursuant to the orders of this Court dated 19.10.2023 in Crl.A.Nos.98, 114 and 116/2023 and that the appellants herein/A13 and A2 are similarly placed accused and on parity,



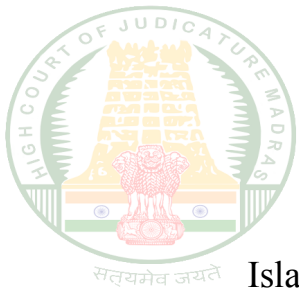
CRLA.Nos.1062 & 1063/2023

WEB COPY

they are entitled to bail. The learned Senior Counsel also pointed out to the allegations in the Final Report and the materials relied upon by the respondent against the appellants herein in order point out that the allegations and the materials against the appellants herein/A13 and A2, are similar to the accused, namely, A1, A3 to A9, who were granted bail by this Court in the aforementioned Appeals.

(10) ***Per contra***, Mr.Ar.L.Sundaresan, learned Additional Solicitor General appearing for the respondent submitted that the case against A2 is different from the other accused and the materials collected by the prosecution against the said A2 is grave in nature and therefore, the plea for bail cannot be considered merely because the co-accused have been granted bail. He also reiterated the averments made in the objections filed by the respondent wherein the allegations against the appellants herein [A13 and A2] and the materials relied upon by the respondent, have been culled out.

(11)As stated earlier, it is the case of the respondent that the appellants herein were members of conspiracy to unleash terrorist acts against Anti-



WEB COPY

Islamic forces of other religions and for that purpose, attack, assault, maim and murder them with the intention to threaten the unity, integrity, security and sovereignty of India and to strike terror on a section of people.

(12)The role played by A2 as found in the Final Report reads as follows:-

*"17.17.The investigation disclosed that the accused **Mohammed Sigam [A-2]** is the PRO of PFI, Madurai District. He organized training to PFI cadres in the guise of PE classes to handle lethal weapons, attacking on the vulnerable parts of the body to kill a person with the intention of preparing to wage a war against the Government of India to achieve their goal of establishing Islamic State in India by the year 2047. He is also a trainer to the PFI cadres for the procession conducted on 17<sup>th</sup> February to create insecurity among a section of people on the basis of religion. Further, he collected funds from Muslim community as Zakath by issuing receipts in the name of PFI, he also collected money from the Masjids after Friday afternoon prayer [Jumma] for various reasons as ordered by the PFI district Secretary. With*



WEB COPY



*intent to strike terror on a section of people and to threaten the unity, integrity, security and sovereignty of India as per the orders of the PFI state level leaders, he collected details of various prominent persons including political leaders and categorised them as "Red, White and Green" thereby targeting and attacking the red category persons even if they belonged to the Muslim community. Further, he organized training camps in the name of the Mohalla Committee to impart training in terrorism to Muslim youth and PFI Cadres."*

(13)The role played by A13 as found in the Final Report reads as follows:-

*"17.25.The investigation disclosed that the accused **Umar Sheriff @ Umar Juice [A-13]** is a weapon trainer in PFI and he used to impart training PFI cadres at the training camps organized by PFI. He used to train them on how to attack on the vulnerable parts of the body and how to use knives, swords etc., to attack, assault, maim and murder. The act was done to collect arms and men in preparation to waging war against India and to establish an Islamic State by the year 2047."*

(14)In their objections, the respondent have referred to the statements of





WEB COPY

witnesses and the documents which establish *prima facie* case against the appellants/A13 and A2.

(15)The relevant portions of the objections filed against A2 read as follows:-

*"15.The averments in Ground C&E of appeal are hereby denied. It is submitted that the accused is prosecuted u/s.13, 18, 18A, 18B of UA[P]Act, 1967 and the following is the evidence available against the appellant in the Final Report.*

***Charges and Role of A2 in Charge Sheet:-***

<i>A2-Mohammed Sigam</i>	<i>Para 17.17</i>	<i>120B, 121A, 122, 153A, 505[1][b][2] IPC &amp; S.13, 18, 18A, 18B of UA[P] Act, 1967</i>
--------------------------	-------------------	--

***Evidence against A2 in Charge Sheet:-***

<i>A2-Mohammed Sigam</i>	<i>LW 62, LW 88, LW 89[C], LW 92[F], LW 93[D], LW108[E]. LW 118, LW 133, LW 135</i>	<i>D-16, 103, 165</i>	<i>MO-4, 5 and 6</i>
--------------------------	---	-----------------------	----------------------

***D-16-Confession statement of Mohammed Sigam A-***



WEB COPY



*2 dated 20.12.2022-He admitted that he is the PRO of PFI, Madurai and area in-charge of PFI Goripalayam and during custodial interrogation, he disclosed about the activities of PFI including PE classes, weapons training and collection of money etc.*

***D-103-**Scrutiny report of LI calls of accused persons. The document containing about the conspiracy between accused persons and other incriminating nature of voice calls. During scrutiny of Lawful Interception Calls, Abdul Razzak instructed Mohammed Sigam [A-2] to submit the report category of the Political leaders, prominent persons as Red, White and Green.*

***D-165-**Scrutiny report of Digital Devices seized from accused Mohammed Sigam [A-2] which establishes that many incriminating images, videos of training, practicing for parade and PFI leaders incriminating speeches.*

***MO4-**Mobile phone, amny incriminating Whatsapp chats of A2 available with other accused persons which includes the message shared by Adv.Mohammed Yousuf explaining what is Mohalla*



WEB COPY



*committee and MO5-Mobile phone and MO6-Details of seized Indian currency note of Rs.500 \* 694 total amount Rs.3,47,000/- and MO-91-[Protected MO] LI data of all accused persons."*

(16)The relevant portions of the objections filed against A13 read as follows:-

*"15.The averments in Ground C&E of appeal are hereby denied. It is submitted that the accused is prosecuted u/s.13, 18, 18A, 18B of UA[P]Act, 1967 and the following is the evidence available against the appellant in the Final Report.*

***Charges and Role of A13 in Charge Sheet:-***

<i>A13-Umar Sheriff @ Umar Juice</i>	<i>Para 17.25</i>	<i>120B, 121A, 122, 153A, 505[1][b][2] IPC &amp; S.13, 18, 18A, 18B of UA[P] Act, 1967 read with 25[1A] Arms Act.</i>
--------------------------------------	-------------------	---

***Evidence against A13 in Charge Sheet:-***

<i>A13-Umar Sheriff @ Umar Juice</i>	<i>LW 62, LW 68, LW 80, LW 88, LW 116, LW 135, [LW 73, LW 74, LW 76, LW 77 for recovery of weapons in his house.]</i>	<i>D-132, 133, 134, 103</i>	<i>MO-26 to 45</i>
--------------------------------------	---	-----------------------------	--------------------

*D-103-Scrutiny report of LI calls of accused persons. The documents contains conversations*



WEB COPY



*between the appellant and other accused persons about the weapons training camps.*

**D-132**-Confession statement dated 14.12.2022 of Umar Sheriff @ Umar Juice [A-13] Age 43/2022 S/o.Raja Mohammed. He admitted his guilt that he has been imparting physical training/classes/demonstration with deadly weapons to PFI cadres for subversive activities and achieving their illegal object of PFI further based on his confession, many lethal weapons used for imparting training to PFI cadres were seized from his house.

**D133**-Pointing out cum seizure proceedings dated 15.12.2022 drawn at H.No.1, First Floor, Sungampallivasal Street, Nelpettai, Madurai dated 15.12.2022-seizure of sword and sharp edged weapons from the residential premises of Umar Sheriff [A13] which were utilised for imparting the physical training to PFI cadres.

**E134**-Confession statement of Umar Sheriff R @ Umar Juice [A13] dated 06.03.2023-during police custody. He admitted in his confession statement that accused Abuthahir A3 asked him can you



WEB COPY

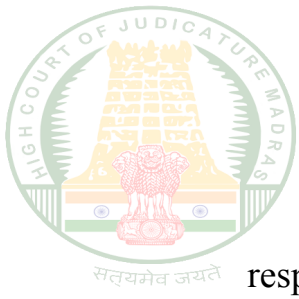


*impart training to PFI cadres. He admitted that yes I can give training to PFI cadres. He along with Abuthahir A3 met with Yasar Arafath A8 and Khalid Mohammed A4. Further, conducted demonstration in the name of Makkal Sangam. On the instruction of Abuthahir A3, he conducted weapon/martial art training at various places in Tamil Nadu.*

*Scrutiny Report of Digital gadgets in respect of accused Umar Sheriff @ Umar Juice [A13] dated 30.08.2023. The retrieved data from the mobile phone of A13 containing that A13 saved contact number of A1, A3, A5, A6, A17 and A16, images related to protest against NIA, ED, sword fighting, cache image of man holding weapon, self defence techniques, images of weapons, martial arts training, conducting of PFI parade, weapon training etc.*

***MO-26-Mobile phone and MO-27 to 45-various types of sharp edged weapons and swords seized from his residence during pointing out proceedings on 15.12.2022, MO-91 [Protected MO] LI Data of all accused persons."***

(17)We have carefully considered the materials relied upon by the



WEB COPY

respondent and the role played by the appellants in the allegation offence of conspiracy said to have been committed by them.

(18) On perusal, we find that though the allegations against the appellants are not exactly similar to the allegations against the other accused, we find that A13 and A2 are also members of the same conspiracy and their roles are substantially the same as that of the co-accused who have been granted bail. While considering the bail applications filed by the co-accused, we have observed as follows:-

*"42. The word 'prepare' gives an ordinary dictionary meaning 'to make ready or fit or to bring into a suitable state or to train, learn or to make a preliminary study to make oneself ready and to make preparation'. The word 'preparatory' used in Section 18 of UAPA, at best, may mean any act which is just a step in aid or to prepare for commission of a terrorist act. When an unlawful Association is charged any preparatory work, we may only presume the preparation for an unlawful act. In other words, any act which was intended by the appellants as members or office bearers of PFI, cannot be presumed to be an*



WEB COPY



*act covered under Section 15 of UAPA. Section 15, of course, refers to a terrorist act by using bombs. The term 'preparation' is often used to indicate a process of being prepared or to make anyone ready. None of the witnesses have spoken about any statements by any of the appellants about the training for using petrol bombs. It is not the statement of any of the Listed Witnesses that the training was to make the cadres to make petrol bombs or to throw such petrol bombs with an intention to strike terror or to pose a threat to unity, integrity and security or the sovereignty of India. In the overall context, the intention for giving training was to protect Muslim community from violence as seen from the literature circulated and found in the typed set. In the overall context, the intention for giving training was to protect Muslim community from violence as seen from the objectives of PFI. The word 'preparatory' should be understood in the context. It is also relevant to point out here that under the general penal law preparation is not punishable barring a few exceptions. Section 18A of the Unlawful Activities (Prevention) Act, 1967, makes any Act preparatory to the commission of*



WEB COPY



*Terrorist Act punishable. It is trite that Penal Law should be construed strictly. To bring an Act within the meaning of preparatory it must be proximate to the Act which is intended to be committed out of that preparation. Any remote Acts, from which it cannot be definitely concluded that it was for the preparation of the terrorist act, cannot be called as preparatory acts within the meaning of Section 18 of the Unlawful Activities (Prevention) Act, 1967. In the instant case, it is the allegation of the prosecution that training was given by the accused to various persons to throw beer bottles filled with water and to aim at objects. From this, the prosecution draws an inference that this training was imparted only to make petrol bombs later and use those petrol bombs for achieving the object of the accused. It is not the case of the prosecution that the accused was found in possession of any petrol bombs, in which case, it may be a proximate act and may be a preparatory act for the commission of terrorist act. Therefore, in order to bring any act as preparatory act to commit terrorist act, as stated earlier, it must be proximate to the intended result. In other words, an act which is in the nature of*





WEB COPY



*preparatory, without an intention to commit a terrorist act attracting Section 15, will not be construed as an act to attract Section 18 of UAPA. Learned counsel for the appellants in Crl.A.Nos.114 & 116/2023 relied upon the judgment of the Hon'ble Supreme Court in the case of **Union of India Vs. K.A.Najeeb** reported in **2021 [1] SCR 443**, for the proposition that the statutory limitations under Section 43[D][5] of UAPA, per se does not oust the power of Constitutional Courts to grant bail on grounds of violation of Part III of the Constitution. This Court is not inclined to rest this judgment solely on that principle as there are factual issues which would make the judgment distinguished in this case where the bail plea is considered within a period of one year and the disposal of the main proceedings can be predicted. In this case, the Charge Sheet had already been filed. This Court has taken note of the broad guidelines of the Hon'ble Supreme Court in Najeeb's case. In **K.A.Najeeb's case**, it is to be noted that the Hon'ble Supreme Court dealt with a case which is more serious than the present case. In the said case, the accused who belonged to a group of people, attacked a*



WEB COPY



*Professor and chopped off his right palm with choppers. During the pendency of the criminal case where the accused were prosecuted for offences under various Sections of the Indian Penal Code along with Sections 16, 18, 18B, 19 and 20 of UAPA, the Hon'ble Supreme Court was unable to uphold the view of the High Court of Kerala that the statutory restriction for grant of bail under Section 43[D][5] of UAPA was attracted.*

....

*51. From the analysis of the judgments above referred to, this Court keeping in mind, the broad principles, has no difficulty in holding that the order of the Special Court is vitiated for total non-application of mind. Except the FIR, no material evidence was produced before the Special Court to convince the Court, the possible involvement of any of the accused in the commission of offence under the provisions of UAPA as alleged to attract Part IV or VI. The Special Court appears to be convinced that mere allegations would be sufficient to reject bail by invoking Section 43[D][5] of UAPA.*



WEB COPY



*52.This Court has already seen that except the statements of the Listed Witnesses to show that some of the appellants organized weapon training using knives and swords and to train the members to throw beer bottles filled with water on targets, there is no other material to suggest commission of any offence which falls under Section 15 of UAPA. The prosecution is unable to produce any material even before this Court about the involvement of any one of the appellants in any terrorist act or as a member of a terrorist gang or Organization or training terrorism. Section 18 of UAPA, as pointed out above, can come into play only when an act is construed as an act preparatory to the commission of a terrorist act. As pointed out earlier, when PFI is only declared as an unlawful Association and not a terrorist Organization so far, any preparatory act in the context, should be construed as one in defence and not to perpetrate any terrorist act. In the context of the present case, where the literature and other things indicate that the Organization as such was established at least in paper that the training they wanted to give, was to protect the community as such when communal violence is*



WEB COPY



*unleashed against them, this Court cannot interpret the act as spoken by the Listed Witnesses as an act which is in the nature of preparatory to commission of terrorist act.*

**As regards the documents found in Additional typed set produced on 11.10.2023 by the learned Additional Solicitor General:-**

*53. The first set of documents are forms filled by new members of PFI who had given their feedback about their experience/knowledge they gained or their general remarks about the physical training given to them when they attended training camp organized by PFI. The feed back forms indicate the appreciation of participants for learning about Islamic principles, te changes they felt in their body. Some of the participants mention about their enemies who are to be opposed. One member has mentioned that he learnt about facing police case. Learned Additional Solicitor General relied on reference to weapon as defence. On participant refers to RSS and Sangh Pariwar as enemies. The next set of documents are pictures and literatures captured from the digital devices seized from A6, one of the appellants in*



WEB COPY



*Crl.A.No.116/2023. Some of the pictures are photographs of Binladan or some persons believed to be the members of terrorist Organizations like ISIS. Details of RSS, police, Dargah, Church, mandir are found. Issues of Sanat AI Hindu Newspaper cutting about Babri Masjid, the photos of the front page of a Taliban magazine "voice of Hind", photo of unknown persons with A.K.47 rifle or with other Arms and several other pictures and literatures of PFI are also seen. Another set of video performing martial arts to demonstrate self defence, contents according to prosecution are "incriminating", do not show the involvement of any appellant in any terrorists act. Some of the photographs of activists and leaders of RSS or other Hindu Organizations are also captured with specific marking. The interpretation was that the marking will indicate that persons marked are targeted as if they are in 'Hit List' of PFI. When the contents are allowed to be interpreted by one's vivid imagination, one may tend to believe that A6 may pose a potential threat. However, the involvement of A6 in any terrorist act or his association with terrorist Organization cannot be inferred from any of these*



WEB COPY



*documents. This Court has already seen that the statement in the Final Report to the effect that the object of PFI is to establish Islamic Government in India in 2047 by referring to a document "India:2047 Vision Document" is not based on any document seized from the appellants. There is no material to connect any of the appellants to the said document. It is in the said background, every activity of PFI is suspected to be an of unlawful Association. When the activities of appellants are seen with a jaundiced eye, probably, the respondents seems to believe appellants as activists of unlawful Organization. In the absence of any material connecting appellants to the "vision document", every serious accusations appears to be based on probabilities, by assumption. In other words, the opinion formed is without any direct evidence or proof.*

*54.In the factual context, this Court finds no material for believing that the accusations against the appellants for alleged commission of offences under UAPA, are prima facie true. It is also brought to the notice of this Court that against the judgment of the*



WEB COPY



*Division Bench of this Court in M.Mohamed Abbas's case, the Hon'ble Supreme Court declined to grant leave and the Special Leave Petition filed in SLP [Cri] No.9384/2023 preferred by the Union of India, had been dismissed on 03.10.2023 with an observation that the respondent/accused therein will have to scrupulously comply with the conditions imposed while granting bail and any violation thereof, will lead to the cancellation of bail on the application of the Union of India. The Hon'ble Supreme Court in National Investigation Agency Vs. Zahoor Ahmad Shah Watali reported in 2019 [5] SCC 1, has considered the scope of proviso to sub-section 5 of Section 43 [D] of UAPA in the light of the view expressed by Hon'ble Supreme Court by a Three Member Bench in Ranjithsing Brahmajeetsing Sharma Vs. State of Maharashtra reported in 2005 [5] SCC 294 on the scope of power of Court to grant bail while dealing with similar situation under MCOCA. The scope of proviso to sub-section 5 of Section 43D requires the Court to express its opinion that there are reasonable grounds for believing that accusation against such person is prima facie true. As observed*



WEB COPY



*in Zahoor Ahmad Shah Watali's case [cited supra] reported in 2019 [5] SCC 1, there must be good and sufficient materials, on the face of which the commission of offence can be inferred. Question is whether the documents collected so far and relied upon to frame charges are sufficient for believing that the accusation against the appellants are prima facie true. As pointed out earlier, the case of prosecution is based on some materials which are not linked to appellants and hence, the opinion formed by respondents before investigation and the documents collected so far as formed along with charges sheet do not justify a finding that the accusations against the appellants including A6 are prima facie true. Hence, this Court is inclined to allow the Criminal Appeals and to grant bail to the appellants herein."*

(19) We have made the above observations after taking into consideration the factual aspects and the law laid down by the Hon'ble Supreme Court in a catena of decisions. We are of the view that the above observations squarely apply to the appellants/A13 and A2 as well and therefore, they are entitled to bail as they cannot be treated differently.



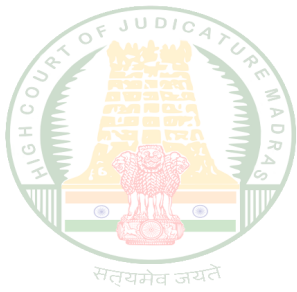


WEB COPY

(20) Accordingly, **Crl.A.Nos.1062 & 1063/2023** are **allowed** and the impugned orders passed by the Special Court under the National Investigation Agency Act, 2008 [Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai] in bail applications in Crl.MP.Nos.1128/2022 and 1127/2022 in Spl.SC.No.1/2023 in RC.No.42/2022/NIA/DLI dated 07.07.2023 are hereby set aside.

(21) The appellants/A13 and A2 are granted bail on the following conditions:-

- (a) Each of the appellants shall execute a bond and furnish two sureties for a likesum of Rs.1,00,000/- [Rupees One Lakh only] each and one of the sureties should be a blood relative to the satisfaction of the learned Special Court under the National Investigation Agency Act, 2008 [Sessions Court for Exclusive Trial of Bomb Blast Cases], Chennai at Poonamallee, Chennai-600 056 [hereinafter referred to as Special Court] ;
- (b) After coming out from jail, the appellants shall stay at Chennai and shall not leave the Chennai City without the permission of the Special



CRLA.Nos.1062 & 1063/2023

Court ;

WEB COPY

- (c) The appellants shall appear and sign before the Special Court everyday at 10.00 a.m. until further orders;
- (d) The appellants shall surrender their Passports if they possess, with NIA and if any of the appellants does not hold a passport, then he/they 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 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 record 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 those appellants;
- (e) The appellants shall cooperate with the investigation ;
- (f) he appellants shall not tamper with evidence and indulgence in any other activities which are in the nature of preventing the investigation process ;
- (g) The appellants shall inform the Trial Court as well as the Investigating Officer of NIA, the address where they reside and if there is any



WEB COPY



change in the address, it should be informed to the Trial Court as well as the Investigating Officer of NIA ;

(h) The appellants shall use only one mobile phone during the time they remain on bail and shall inform the Trial Court, their mobile numbers;

(i) The appellants shall also ensure that their mobile phones remain active and charged at all times so that they remain accessible over phone throughout the period they remain on bail ;

(j) 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 ; and

(k) It is made clear that the Special Court under the National Investigation Agency Act, 2008, [Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai], shall accept the sureties on the basis of the web copy to be produced by the Advocates/parties.

[SSSRJ] [SMJ]  
.12.2023

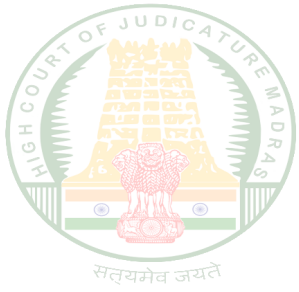
AP

Internet : Yes



CRLA.Nos.1062 & 1063/2023

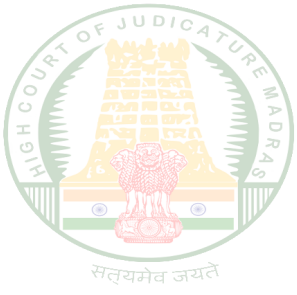
सत्यमेव जयते  
Index : Yes / No  
Neutral Citation : Yes/No  
WEB COPY



WEB COPY

To

- 1.The Special Court under the National Investigation Agency Act, 2008,  
[Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee,  
Chennai]
- 2.The Inspector of Police  
National Investigation Agency  
Chennai Branch.
- 3.The Special Public Prosecutor  
NIA Cases, Chennai.



WEB COPY

CRLA.Nos.1062 & 1063/2023

S.S.SUNDAR, J.,

AND

SUNDER MOHAN, J.

AP

Common Judgment in  
Crl.A.Nos.1062 & 1063/2023

12.12.2023



CrI.A.Nos.1062 & 1063/2023

WEB COPY

S.S.SUNDAR, J.

AND

SUNDER MOHAN, J.

[Order of the Court was made by S.S.SUNDAR, J.,]

After pronouncement of the judgment in the above criminal appeal, Mr.Ar.L.Sundaresan, learned Additional Solicitor General of India made a request orally to grant leave to file Special Leave Petition before the Hon'ble Supreme Court.

2.This Court, having regard to the observations made on facts and the principles reiterated following the judgments of the Hon'ble Supreme Court in several cases, is not inclined to consider the request made by the learned Additional Solicitor General of India.

[S.S.S.R., J] [S.M., J]  
12.12.2023

AP