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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 24.06.2026

Pronounced on : 27.08.2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 328 of 2025

Mohamed Thalha
S/o.S.A.Nawab Khan,
D.No.887, Vincent Road,
Soda Lane, Fort,
Coimbatore-641 001.
(now Confined In Central Prison, Coimbatore).

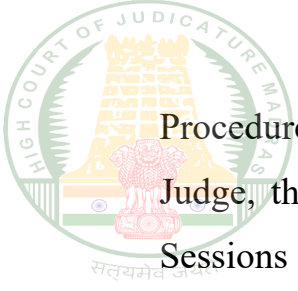
..Appellant(s)

Vs

1. The Union Of India Rep By, The Chief Investigation Officer/Inspector, National Investigation Agency, Branch Office, Chennai - 600 010.
2. The Secretary to Government, Union of India, Ministry of Home Affairs, North Block, New Delhi – 110 001.
3. Additional Chief Secretary to Government, Home (Courts-II) Department, Secretariat, Chennai

..Respondent(s)

Prayer: Criminal appeal filed under Section 21(4) of the National Investigation Agency Act, 2008 read with 439 of the Code of Criminal



Procedure to set aside the order passed by the Learned District and Sessions Judge, the Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial of Bomb Blast and POTA Cases, Poonamallee, Chennai in CrI.M.P.No.218 of 2024 in Spl.SC No.2 of 2023 in R.C.No.01/ 2022/NIA/CHE dated 05.03.2024 and enlarge the appellant on bail in Spl.S.C.No.2 of 2023 in R.C.No.01/2022/NIA/CHE on the file of the respondent.

For Appellant(s): Mr.Vikram Veerasamy

For Respondent(s): Mr. ARL.Sundaresan
Additional Solicitor General
Assisted By
Mr.T.Shanmugam and Mr.G.Siddi Ramulu
for NIA Cases

Judgment

(Judgment of the Court was delivered by Dr.Anita Sumanth J.)

This is an appeal challenging order dated 05.03.2024 passed by the District and Sessions Judge, the Special Court under the National Investigation Agency (NIA) Act rejecting the grant of bail.

2. The appellant was A3 in Crime No.207 of 2022 registered on 23.10.2022 under Section 174 Cr.P.C. and Section 3(a) of the Explosive Substances Act, 1908.

3. The case of the prosecution/respondents, represented by Mr.ARL.Sundaresan, learned Additional Solicitor General assisted by Mr.T.Shanmugam and Mr.G.Siddi Ramulu, learned counsel for NIA Cases, is



that the appellant had conspired with other accused with the express intent of unleashing violence, and creating enmity against a specific section of society.

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4. His role was specifically to provide logistical support. Using the cover of a used car dealer, the appellant had purchased a Maruti 800 car and supplied the same to A1 who had driven the vehicle for carrying out blasts in front of a temple in Coimbatore. The appellant was thus a party to the terror conspiracy.

5. The father of the appellant is serving life sentence in the 1998 Coimbatore serial bomb blast case, presently out on interim bail. The father and paternal uncle of the appellant are the founding members of a proscribed terrorist organization by name Al-Ummah. Seeking to draw a link from the aforesaid relationships, and given the antecedents of the appellant's father, the prosecution apprehends that if the appellant is released on bail, he will certainly hamper the on-going investigation, tamper with evidence and, intimidate and threaten witnesses.

6. Mr. Vikram Veerasamy, learned counsel denies any involvement of the appellant in the terror attack on 23.10.2022. He puts forth the defence that the appellant was a used car dealer and had sold the car to the deceased for valid consideration. There are inconsistencies in the statements relied on by the Prosecution, and all the evidence collected relates only to routine work carried out by the appellant as a used car dealer. Even assuming that the appellant has a



certain ideology, mere ideological inclination or even a radical motivation, for that matter, would not constitute an offence under UAPA.

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7. The witnesses do not support the case of the Prosecution, and even if the digital devices revealed that the appellant was in touch with deceased A1, that does not lead to an untoward inference, in the absence of other clinching evidence. Learned counsel for the appellant relies on the following cases:-

1. *Suhail Ahmad Thokar v. National Investigation Agency*¹
2. *Jalaluddin Khan v. Union of India*.²
3. *Union of India v. K.A.Najeeb*³
4. *Thwaha Fasal v. Union of India*⁴
5. *Shoma Kanti Sen v. State of Maharastra and another*.⁵
6. *Ammar Abdul Rahiman v. National Investigation Agency*.⁶
7. *National Investigation Agency v. Ammar Abdul Rahiman*⁷

8. In any event, the appellant has been in incarceration since 24.10.2022 and was denied bail earlier as well. Since there is hardly any progress as far as the trial is concerned, the appellant should be granted bail at least now.

9. For their part, the prosecution draws attention to various incriminating material including recovery of material from digital devices of the appellant and testimony of witnesses, including, protected witnesses. Prosecution relies on the following cases:-

¹ Arising out of SLP (CRIMINAL) No.83 of 2024 dated 22.05.2026

² (2024) 10 SCC 574

³ (2021) 3 SCC 713

⁴ (2022) 14 SCC 766

⁵ (2024) 6 SCC 591

⁶ Crl.A.No.79 of 2024 and Crl.M.A.No.2650 of 2024 dated 06.05.2024

⁷ Criminal Appeal No.2590 of 2025 arising out of SLP(Crl.)No.12883 of 2024 dated 14.05.2025



1. *National Investigation Agency v. Zahoor Ahmad Shah Watali.*⁸
2. *Gurwinder Singh v. State of Punjab and another.*⁹
3. *Union of India v. Barakathullah Etc.*¹⁰
4. *Gulfisha Fatima V. State (Govt. of NCT of Delhi)*¹¹

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10. We have heard both the learned counsel and perused the case files and evidences produced.

11. The facts are that on 23.10.2022 at 4.00 a.m., there was an explosion in front of the Arulmigu Kottai Sangameshwarar Temple in Ukkadam, Coimbatore. A Maruti Car bearing registration No.TN-01-F-6163 had been detonated and set ablaze. The car had been driven by a male, identified as one Jamesha Mubeen/A1 who died in the blast.

12. A complaint had been filed and case registered in Crime No.207 of 2022 under Section 174 Cr.P.C. and Section 3(a) of the Explosive Substances Act, 1908, and taken up for investigation by the National Investigation Agency. In the course of the same, the appellant/A3 had also been inquired into and the authorities allege that he is an ISIS sympathizer and a part of the terror conspiracy.

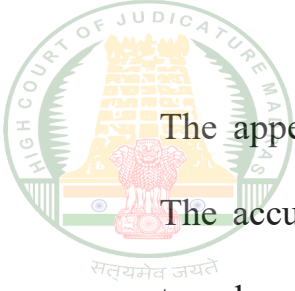
13. The overt act attributed to the appellant was the procurement of a Maruti 800 car bearing registration number TN-01-F-6163 for a sum of Rs.21,000/- specifically for supply to A1 as logistical support for the terror plot.

⁸ (2019) 5 SCC 1

⁹ (2024) 5 SCC 403

¹⁰ Criminal Appeal Nos.2715 – 2719 of 2024 (@ SLP (Crl.)Nos.14036-14040 of 2023) dated 22.05.2024

¹¹ 2026 SCC OnLine SC 10



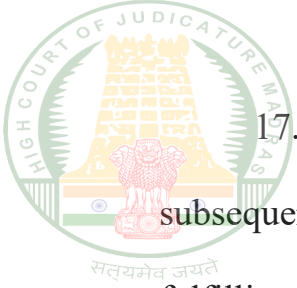
The appellant was arrested on 24.10.2022 and remanded to judicial custody.

The accused are alleged to have conspired to cause a terror attack on Hindu temples during 2023 Diwali and the suicidal bomb blast of 23.10.2022 was part of that plot. Investigation is stated to reveal that several of the accused were followers of ISIS ideology.

14. While the prosecution has drawn support from the supply of the Maruti 800 car, allegedly pro bono by the appellant to A1, the case of the appellant is that the car has been sold for due consideration, and was part of routine business transactions.

15. We have been supplied with final report dated 20.04.2023 wherein the appellant has been charged with offences under Sections 34, 120-B and 153A of IPC, Section 6 of Explosives Substance Act and Sections 16, 18, 20, 38 and 39 of the Unlawful Activities Prevention Act, (UAPA). Charge sheet filed on 20.04.2023 has been taken on file as Spl.S.C.No.2 of 2023 and is pending trial.

16. There is no dispute on the position that the appellant is a dealer in used cars. Negotiations for purchase of the Maruti car had been carried out by the appellant with the car owner Senthil Kumar on 19.06.2022 and, delivery of the car was taken on 20.06.2022 after paying an amount of Rs.21,000/-. The case of the prosecution is that the car had been handed over to A1 the very same day.



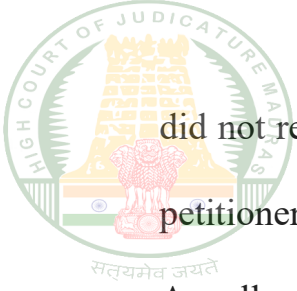
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17. This, according to them, indicates urgency, so as to facilitate the subsequent terror acts. Furthermore, the vehicle had been handed over without fulfilling vehicle transfer obligations. The charge sheet reveals testimony of witnesses in support of the car transaction, which is established in any event. Some statements of protected witness have been redacted almost completely, and we do not have the benefit of the unredacted statements. There is however, a synopsis of the statements in the charge sheet from which we ascertain the content. Digital devices have been seized and evidences in the form of messages and videos have been recovered.

18. The appellant has argued that there are discrepancies in the testimony of the witnesses on the purchase of car. However, these are not material for the present, owing to the admitted position that the vehicle used in the terror attack had been purchased by the appellant on 20.06.2022 and handed over to A1 on the same day.

19. L.W.24 and L.W.25 speak about the Maruti 800 car. L.W.24 was the last registered owner of the car and speaks about the sale of the car. The objections filed by the respondents reveal that there had been no registrations of the Maruti Car over several sales. The car, a 1993 model, had been sold to L.W.24 on 18.08.2017.

20. However subsequent sales of the car could not be traced till 05.06.2022 when the vehicle was purchased by Senthil Kumar/L.W.35 who also

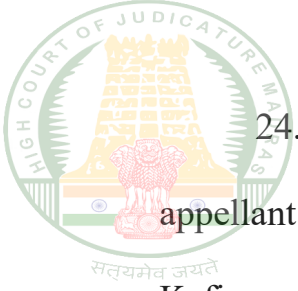


did not register the purchase. L.W.35 speaks about the sale of the vehicle to the petitioner on 20.06.2022 through Meeran Kutty, partner/employer of the Appellant. He also confirms that there was no registration of the sale to the appellant.

21. L.W.36, mother of L.W.35 speaks to the receipt of consideration from the petitioner and handing over of the car to him. L.W.37 speaks about his role in facilitating the transaction between L.W.35 and the appellant and this is supported by L.W.39, his son. L.W.40, mechanic and owner of a garage speaks about the repair and service of the Maruti 800 car. He also speaks about seeing A2 and A7 accompanying deceased A1 to his garage on 20.06.2022.

22. L.W.62, a friend of the appellant has witnessed the sale of the vehicle by the appellant to A1, who was in the company of A2 and A7. This was also witnessed by L.W.63 and L.W.64.

23. L.W.65, apart from witnessing the car sale transaction between A1 and the appellant in the presence of A2 and A7, also speaks about his assistance in carrying LPG cylinders to A1's house and witnessing the loading of explosive materials and gas cylinders by A1, A4, A5 and A6 into the car on 22.10.2022. L.W.66, a friend of the appellant speaks about accompanying the appellant to take delivery of the Maruti car from L.W.35. and witnessing the loading of the explosive substances and gas cylinders into the car by A1, A4, A5 and A6 on 22.10.2022.



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24. Protected witnesses L.W.99 speaks about meeting A1 and the appellant at Kabristan on 15.06.2022 when they discussed a big plan against Kafirs and their places of worship, to equal the 1998 blasts. D185, which is a scrutiny report of the digital gadgets used by the appellant is relied on by the prosecution to showcase the evidences establishing that he is an ISIS sympathizer.

25. We now test the relevance of the aforesaid evidences to determine whether a prima facie case is made to decide the question of bail in the context of Section 43-D(5) of UAPA. The testimony of the witnesses speaks to not just the transaction of sale of the vehicle, but to the appellant being a part of the group that had purchased the car, for a specific reason.

26. L.W.40, L.W.62, L.W.63, L.W.64, L.W.65, and L.W.66 have spoken to A1 being accompanied by A2 and A7 while receiving the car and thereafter witnessing the loading of the explosive materials into the car with the other accused.

27. Even assuming that the appellant had been unaware of the complete plan or the details of its execution, we are left in no doubt that the appellant was part of the larger conspiracy, and this finds prima facie support from the testimony of L.W.99 who speaks of being part of a discussion with deceased A1 and the appellant on 15.06.2022 for carrying out violent acts against kafirs (non-believers) and their places of worship (temples). This meeting is stated to have



taken place on 15.06.2022 five days prior to the purchase of the car and seven days prior to the blast.

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28. The above incident is supported by a message received in the digital device of the appellant on 15.06.2022 from deceased A1 saying 'In Kabrsthan'. Hence, there is material to support the position that such a meeting had indeed taken place between A1 and the appellant in Kabrsthan on 15.06.2022 as spoken to by protected witness, L.W.99.

29. The scrutiny of the digital gadgets contains images of the ISIS flag and the Maruti car that was used in the blast. There are also recorded conversations between the deceased A1 and the appellant relating to the purchase of the car and videos containing Nasheed (Islamic vocal music) and images of the ISIS flag with a voiceover extolling the virtues of jihad and a video of Al-Ghuraba media center, that is, according to the Prosecution, a propaganda network and digital media outlet formed in support of the Islamic State.

30. We are thus, prima facie, not persuaded to accept the argument that the appellant had been entirely unaware of the conspiracy being hatched. Taking into account the circumstances in a wholistic manner, we are persuaded to return a prima facie finding that the appellant was part of the terror conspiracy and had provided logistical support for the same.



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31. In do so, we have taken note of the meeting between the appellant, deceased A1 and L.W.99 on 15.06.22 at Kabrsthan (spoken to by the protected witness and duly supported by the message from A1 to the appellant that he was in that same location on that date) and the images and other evidences in the digital device of the appellant.

32. The charges as against the appellant are under Sections 16, 18, 20, 38 & 39 of UAPA. Section 16 deals with punishment for terrorist act which is defined under Section 15 of the Act.

33. Section 15 (1) defines a terror act as any act committed with the intention of threatening or being likely to threaten, the unity, integrity, security or sovereignty of India or intending to strike terror in the people by using bombs, dynamite and other explosive substances for causing death or injury to persons, loss or destruction of property and disruption of essential supplies to the community in India or abroad.

34. In the present case, the testimony of the protected witness speaks to the intention of the deceased A1 along with the appellant to re-create a situation akin to the Coimbatore bomb blast and wreck violence on Kafirs and their places of worship. Prima facie, this falls within the ambit of a terrorist act, as contemplated under Section 15.



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35. Section 18 deals with conspiracy and states that whoever conspires or attempts to commit or facilitate the commission of a terrorist act or an act preparatory to the commission of a terrorist act shall be punishable for conspiracy.

36. The appellant has admittedly supplied the vehicle that was used in the bomb blast. Though he argues is that he was unaware of the use to which it was intended to be put to, the overall circumstances projected before us as discussed in the paragraphs supra, prima facie persuade us that there are reasonable grounds for believing that the accusations against the appellant are not, prima facie, untrue.

37. Sections 38 and 39 relate to holding of membership in a terrorist organization and support given to terrorist organization. There is no material on record to show that the appellant was a member of the proscribed terrorist organization. However, Section 39 relates to support given to a terrorist organization and in light of the discussion in the paragraphs supra, the overt act prima facie attributable to the appellant relates to logistical support for the commission of the terror act.



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38. The appellant has relied on various judgments, and we now proceed to discuss the same. In *Shoma Kanti Sen*¹², the overt act relates to her presence in an event with a categoric observation that apart from being present, she had no further active participation. She was an active member of the CPI (Maoist) and there were allegations of her conspiring with other accused to overthrow democracy and transacting party funds for that purpose, apart from recruiting members for that organization. However, the Court observed that though evidence showed her connection with members of the organization, they did not reveal her involvement in any offensive act attracting the provisions of the UAPA.

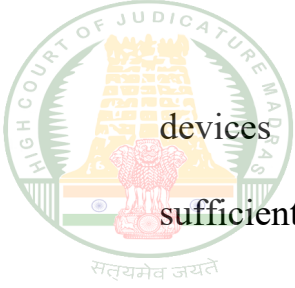
39. In *Suhail Ahmad Thoka*¹³, the overt act related to recruiting and training youth to handle arms, ammunition and explosives and providing refuge to members of proscribed organizations.

40. The Delhi High Court in *Ammar Abdul Rahiman*¹⁴ also considered the case of accused alleged to have allegiance with the ISIS and running propaganda on various social media applications, holding that that, by itself, did not attract any provision of the UAPA. That matter was carried to the Supreme Court in Crl A. No. 2590 of 2025. The appeal was disposed confirming the grant of bail, as merely being a sympathizer of the ISIS and holding digital

¹² Foot Note Supra (5)

¹³ Foot Note Supra (1)

¹⁴ Foot Note Supra (6)



devices containing objectionable photographs and videos would not be sufficient to brand the accused as a member of the ISIS.

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41. Also, there was nothing to indicate that he disseminated the incriminating evidence found in his mobile. There is also a categoric finding that the disclosure statements did not lead to the discovery of any incriminating material. The facts in this case are different.

42. Again, in *Thwaha Fasal*¹⁵ the Court held that the accusations against the accused did not appear to be prima facie true and confirmed the grant of bail imposing conditions. There too, prima facie satisfaction was recorded to the effect that there was no material to show intention on the part of the accused to further the activities of the terrorist organization. In *Jalaluddin Khan*¹⁶, the evidences related to that accused attending meetings and training sessions with other accused who were associated with the Popular Front of India.

43. In all the cases discussed, the overt acts of the accused in those matters are distinguishable from the present case. There are findings in those cases, based on the evidences recovered, that the activities of those accused do not lead to a prima facie inference that the charges are true. Not so in the present matter. Hence, reference to the cases is of no avail to the appellant.

¹⁵ Foot Note Supra (4)

¹⁶ Foot Note Supra (2)



44. In light of the discussion above, this appeal is dismissed making it clear that the observations in this order have been made solely for the purpose of grant of bail under Section 43D(5) of UAPA. No costs.

45. A footnote. The accused have been arrested on various dates, i.e., A2-24.10.2022, A4, A5 and A6 – 25.10.2022, A7 – 26.10.2022 and the appellant on 24.10.2022, and his bail has been rejected twice. Charge sheet has been filed on 20.04.2023 and the trial is on-going.

46. The pace and progress of the trial of matters relating to the NIA Act has necessarily to be improved such that the disposal is, as far as possible, within one year from filing of charge sheet. In *Re: Creation of Special Exclusive Courts*, the Hon'ble Supreme Court has been monitoring creation of Special Courts exclusively for trial of NIA cases.

47. Office memorandum dated 07.01.2026 placed on record by the learned Additional Solicitor General of India had been taken note of by the Court on 10.02.2026. That Office Memorandum prescribed the norms for reimbursement of expenditure incurred by the States for setting up and maintaining Special Courts exclusively for the trial of NIA cases. Some salient features, including in regard to creation of posts and reimbursement of expenditure have been noted as below:

“(a) The norms do not envisage reimbursement of cost of land and/or the cost of construction. In view of the security



concerns, it is not advisable to construct separate court complex for this purpose. It is, however, suggested that State Government may earmark one existing court for setting up special court, exclusively for trial of NIA cases.

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(b) A decision may be taken at the level of the concerned States/UTs to ascertain whether creating a permanent facility for establishment of a Special Court exclusively for trial of NIA cases would be more feasible for them, or for the time being they may continue with temporary establishment.

(c) Expenditure incurred by the State Government on setting up and the functioning of the court(s) will be reimbursed by the Central Government from the budgetary grant of the NIA, after receipt of the audited figures from the State Government, along with the necessary AG(Audit)/Internal Audit Certificate from the competent authority. Expenditure on the following items will be reimbursable:

.....

48. 17 States were identified where more than 10 trials under NIA, especially for offences under UAPA, were pending. Tamil Nadu is one of the 17 States. The learned Advocates General were heard and as a pilot project, all 17 States have agreed that one Exclusive NIA Court to deal with NIA/UAPA matters may be established with the financial assistance offered by the Union of India.

49. Vide order dated 24.03.2026, the Supreme Court has directed that NIA Courts be so constituted, as provided above, to deal exclusively with UAPA or related trials and such Presiding Officers should not be entrusted with any other matters. The Presiding Officers must take up the UAPA trials on day-to-day basis. A direction has been issued to the Union of India to release



necessary financial assistance in terms of Office Memorandum dated 07.01.2026.

WEB COPY 50. In order dated 08.05.2026 in *In Re:Creation of Special Exclusive*

Courts, the Court has held as follows:

8. The broad norm shall be one exclusive Special Court for every block of 10 to 15 pending trials. Thus, where the pendency under Section 11 of the NIA Act within the jurisdiction of a High Court exceeds 15 trials, at least two such Courts shall be operationalised; where it exceeds 25 trials, at least three such Courts shall be operationalised; and one additional Court shall be considered for every further block of 10 to 15 trials. These are minimum working norms and may be suitably adjusted by the High Court, after consulting the NIA and the State Government/Union Territory, having regard to the complexity of the cases, number of accused, number of witnesses and availability of infrastructure.

51. Per the aforesaid directions, in States where more than 10 trials are pending, two Special Courts and in States where more than 25 trials are pending, three Special Courts should be formed for exclusive hearing of UAPA matters by the Presiding Judges.

52. In the State of Tamil Nadu, the existing Special Court (Bomb Blast Court), was notified, under Section 11 of the National Investigation Agency Act 2008, as the Special Court for the purposes of Section 11(1) of the said Act for the trial of scheduled offences (as per the Schedule to the NIA Act), gazetted under Notification bearing No.1824 vide S.O.2163(E), on 01.09.2010.



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53. The pendency in the Poonamallee Special Court as on 24.08.2026, is as follows, (i) Cases relating to scheduled offences under NIA – 24, (ii) Prevention of Terrorism Act – 1 and (iii) Anti-terrorism squad cases – 14, in all, a total of 39 cases.

54. Under order dated 20.07.2026, the Hon'ble Supreme Court has noted the response of this Court to the effect that consent for constitution of Courts was awaited from the State Government. Vide letter dated 23.06.2026, the Central Government has written to the Chief Secretary to the Government of Tamil Nadu and the Registrar General of this Court requesting them to constitute Special Courts exclusively for NIA cases in Tamil Nadu and seeking particulars of those Courts that may be designated as exclusive NIA Courts.

55. In fact, this Court had forwarded the proposal for constitution of the exclusive Court, even on 08.06.2026 to the Additional Chief Secretary to Government and has intimated the Central Government of the same by letter dated 15.07.2026.

56. In order to ensure the implementation of the directions as above, for constitution of two exclusive Special Courts to hear UAPA cases, we suo motu implead the Secretary to Government, Union of India, Ministry of Home Affairs, North Block, New Delhi – 110 001 and Additional Chief Secretary to Government, Home (Courts-II) Department, Secretariat, Chennai, as R2 and R3 respectively. Mr.K.S.Jeyaganesan learned Senior Panel Counsel accepts notice



for newly impleaded R2 and Mr.M.Guruprasad, learned State Government

Pleader accepts notice for newly impleaded R3.

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57. List on 24.09.2026 for reporting compliance of directions at paragraphs 45 to 56 supra.

58. This Criminal Appeal is dismissed though with the directions as supra. No costs.

(A.S.M.,J.) (S.M.,J.)
27.08.2026

mpl/sl

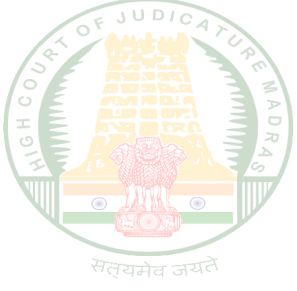
Index: Yes

Speaking order

Neutral Citation: Yes

To

1. The Union Of India Rep By, The Chief Investigation Officer/Inspector, National Investigation Agency, Branch Office, Chennai - 600 010.
2. The Secretary to Government, Union of India, Ministry of Home Affairs, North Block, New Delhi – 110 001.
3. Additional Chief Secretary to Government, Home (Courts-II) Department, Secretariat, Chennai
4. The District and Sessions Judge,
The Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial Bomb Blast and POTA Cases, Poonamallee.



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