

**IN THE SPECIAL COURT FOR TRIAL OF NIA CASES, KERALA,
ERNAKULAM**

Present:- Shri. N. Seshadrinathan, Judge, Special Court for NIA Cases

Wednesday, the 27th day of August, 2025 / 5th Bhadra, 1947

CrI.M.P No. 118/2025

in

S.C No. 04/2021/NIA

Petitioner / Accused :-

Ramesh.A, aged 37 years,
S/o. Arasarethinam, House No. 162/559,
Madampitiya Road,
Modara, Colombo – 15

Respondent /Complainant:-

Union of India represented by
National Investigation Agency, Kochi

By Sri. Arjun Ambalappatta, Senior Public Prosecutor, NIA.

This petition having been heard on 23/07/2025 and the Court on this day passed the following:-

ORDER

This is an application filed by the 8th accused from the jail which was forwarded to this court by the Superintendent of Kerala Prisons and Correctional Services.

2. The petition averments in brief may be noticed: The petitioner is undergoing incarceration for the last 45 months. The petitioner is innocent in this matter. The petitioner is no way connected to the crime and he was falsely

implicated without any rhyme or reason. The petitioner was subjected to physical torture before remand. When the petitioner was put behind the bars, his wife was on the family way and the daughter born to him is now aged 3 ½ years, whereas his elder daughter is now aged 5 ½ years. The father of the petitioner is also there and hence the petitioner may be released on bail to take care of his family members including the octogenarian father. Hence the petition.

3. The respondent filed objection raising the following contentions. The petition is not maintainable. Upon getting credible information, Indian Coast Guard intercepted and traced out one Sri Lankan fishing boat "*Ravihansi*", bearing Registration No. IMUL-A-0040-ILE on 18.03.2021 at Arabian Sea which was found with huge quantity of contraband articles along with five AK-56 rifles and 1000 numbers of 9 MM ammunitions (mostly of Pakistan Ordnance Factory Make), illegally and without proper documents, besides the on-board six Sri Lankan nationals. The said Sri Lankan boat "*Ravihansi*" along with contraband articles, arms and ammunitions were seized by Narcotics Control Bureau (NCB), Sub-Zone Kochi on 25.03.2021 and 26.03.2021, on their arrival at Vizhinjam Port at Thiruvananthapuram. Kerala. Accordingly, a case was registered by Narcotics Control Bureau (NCB), Sub-Zone Kochi vide NCB-OR-2/2021/NCB/SZ/COK-117, dated 27.03.2021

against six Sri Lankan nationals (1) L. Y. Nandana, Aged 46 years. So L. Y. Upajeeva, r/o Thangalla. Kudawella, Nakulugamuwa, Sri Lanka. (2) H. K. G. B. Janaka Dassppriya, Aged 42 years, S/o H. G. B Peyasena, r/o 128, Modarawatta Kudawelle West, Nakulugamuwa, Sri Lanka (3) A. H. S. Mendis Gunasekara, Aged 32 years, S/o Agampodi Hemal Sathyajit, r/o 108, Algiriyagewaththa, Katudampe, Rathgama, Sri Lanka (4) S. A. Namesh Chullaka Senarath, Aged 33 years, S/o S. M. Pamiss r/o Mahamodhara, Katudampe, Dodanduwa, Sri Lanka (5) Thilanka Madushan Ranasingha, Aged 29 years, S/o.Sarath Ranasingha, r/o 239/7, Galagoda Watta, Katudampe, Dodanduwa, Sri Lanka (6) Dadallage Nisanka. Aged 40 years, S/o D. Peyarathna, r/o No. 76, Next Nivasa, Sirikadura Watta, Rathgama, Sri Lanka, who were on board Sri Lankan fishing boat '*Ravihansi*'.

4. The seized articles and the arrested six accused were produced before the Hon'ble Judicial First-Class Magistrate Court, Neyyattinkara by NCB. Further the case of NCB in OR number NCB-OR-2/2021/NCB/SZ/COK-117 dated 27.03.2021 was transferred to Hon'ble Sessions Court, Vanchiyoor, Thiruvananthapuram. On 05.04.2021, based on the report submitted by NCB, a case was registered at Vizhinjam Police Station as Crime No. 498/2021 dated 05.04.2021 u/s 27 of Arms Act and Section 34 of IPC, against aforesaid six Sri

Lankan Nationals for illegal possession of five AK-56 rifles and 1000 numbers of 9 MM ammunitions and FIR was submitted before Hon'ble Judicial First-Class Magistrate Court, Neyyatinkara, Thiruvananthapuram. During the investigation, Vizhinjam Police altered the sections of Crime No. 498/2021 as Section 7 r/w 25 (1AA) of Arms Act 1959.

5. Considering the nature and gravity of the offence, the Government of India, Ministry of Home Affairs, CTCR Division issued an order vide No. 11011/29/2021/NIA dated 27th April, 2021, directed the NIA to take over the investigation of Crime No. 498/2021 of Vizhinjam Police Station, Thiruvananthapuram, Kerala. Accordingly, the case was re-registered as RC-01/2021/NIA/KOC at NIA Police Station, Kochi on 01.05.2021 under Section 7 r/w 25(1AA) of Arms Act 1959 and the FIR was submitted before this Court. Subsequently, the investigation was taken over from the Kerala Police on 12.05.2021.

6. It is submitted that interrogation of A-1 to A-6 revealed the role of Loku Yaddehige Nishantha @ L. Y. Nishantha @ Sudda, who is the owner of intercepted Sri Lankan fishing boat "Ravihansi". Investigation also revealed some suspicious contacts of the boat owner with a UAE mobile number and the suspicious contact of the said UAE number with Indian mobile number during

the relevant period.

7. Investigation conducted revealed that, one Suresh Raj A. @ Suresh @ Chinna Suresh, aged 39/2021, S/o Arasa Rathinam Door No.128, 8th Cross Street, Irandamkattalai, Samayapuram, Kundrathur, Chennai and one Soundarajan @ Soundar, age 24/2021, No.72 Agni Fairy Land, Vanagaram, Maduravayil, Chennai has played important role behind the larger conspiracy to commit the crime, Investigation also revealed that, they were in judicial custody in Crime number 01/2020 of Q-Branch Kancheepuram, Tamil Nadu. Subsequently, they were arraigned as accused A-7 and A-8 respectively in this case on 29.07.2021 and report has been submitted before the Hon'ble Court. A-7 and A-8 were formally arrested on 02.08.2021.

8. Since the investigation revealed the role of LTTE in this case and the affiliation of accused with the banned terrorist organisation for furthering its activities, section 38, 39 and 40 of the Unlawful Activities (Prevention) Act, 1967, has been invoked in the case and a report has been submitted before this Court on 31.08.2021.

9. Investigation also revealed the incriminating role of (1) Loku Yaddehige Nishantha @ L. Y. Nishantha @ Sudda, son of Loku Yaddeigei Danny, resident of No. 41/16, Vavella Road, Moraketiya West. Nakulugamuwa,

Sri Lanka, who is the boat owner. (2) Ramesh Arasarathanam, S/o Arasarathanam, resident of Modara, Sri Lanka, who is the brother of A-7 (3) Anju, native of Ratmalana near to Colombo International Airport, Sri Lanka, presently in UAE, (4) Deepa Rajan Ranga @ Rangan, native of Modara. Sri Lanka, presently in UAE, (5) Haji Salim @ Haji Bhai. resident of Pakistan, (6) Fasli Bhai, Near Juma Masjid, Manadi, Chennai, Tamil Nadu in the larger conspiracy of the crime and they were arraigned as accused A-9 to A-14 respectively on 07.09.2021 and the report has been submitted before this Court.

10. Investigation also revealed the incriminating role played by Satkunam @ Sabesan, age 47/2021, S/o Sachithanandam, No.29/19, Anpuvalipuram, Trincomalee, Sri Lanka residing at F/No 33, Murali Krishna Nagar Main Road, Valsaravakkam, Chennai-87, in the larger conspiracy behind the crime. Accordingly, he has been arraigned as A-15 and he was arrested in this case.

11. Further, in exercise of the powers conferred under sub section 5 of Section 6 r/w Section 8 of NIA Act 2008, the Government of India, Ministry of Home Affairs, CTCR Division issued an order vide No. 11011/29/2021ANIA dated 5th October 2021, directing the NIA to take up investigation of the NCB's Occurrence Report No. 02/21/NCB/SZ/COK dated 27.3.2021, related to seizure

of 301 Kgs of heroine, being a connected case. Accordingly, the NCB case was taken over by NIA and the documents were handed over to NIA by NCB on 18.11.2021.

12. The final report against A-1, A-2, A-4, A-5 and A-6 for committed offence punishable under section 120B of IPC r/w section 125 of IPC, 120B of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967, section 7 r/w 25(1AA) of Arms Act 1959, sections 8 (c) r/w sections 21 (c), 23 (c), 24, 27A, 28 and 29 of NDPS Act, against A-7 u/s 120B of IPC r/w section 125 of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967, section 120B of IPC r/w section 7 and 25(1AA) of Arms Act 1959, sections 8 (c) r/w sections 21 (c), 23 (c), 24, 27A, 28 and 29 of NDPS Act, section 120B, 125, 465 and 471 of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967, against A-9 u/s 120B of IPC, sections 18 and 20 of UA(P) Act 1967, section 120B of IPC r/w section 7 and 25(1AA) of Arms Act 1959, sections 8 (c) r/w section 21 (c), 23(c), 24, 25, 27A, 28 and 29 of NDPS Act, against A-10 (the petitioner) u/s 120B of IPC r/w section 125 of IPC, section 120B of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967, section 120B of IPC r/w section 7 and 25(1AA) of Arms Act 1959, sections 8 (c) r/w sections 21 (c), 23 (c), 24, 27A, 28 and 29 of NDPS Act, section 125 of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967, against A-15 u/s 120B of

IPC r/w section 125 of IPC, section 120B of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967, section 120B of IPC r/w section 7 and 25(1AA) of Arms Act 1959, sections 8 (c) r/w sections 21 (c), 23 (c), 24, 27A, 28 and 29 of NDPS Act, section 125 of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967 is also filed on 15.12.2021, by NIA before the Special Court for NIA Cases, Ernakulam.

13. Investigation conducted in this case revealed the evidence pointing towards the involvement of Ramesh A. (A-8), the present petitioner, his overt acts in this crime and also about the larger conspiracy behind the commission of this crime. From the evidence collected it is clear that the accused/petitioner is directly involved in this crime and has played a vital role in furtherance of the activities of the banned terrorist organisation LTTE.

14. As most of the accused and suspects in this case are Sri Lankan nationals, a request was made under the Mutual Legal Assistance Treaty (MLAT), through which crucial information regarding the identities of the accused and other relevant details pertaining to their involvement in the grave crime in Sri Lanka has been received.

15. Accused Ramesh A. (A-8) being a Sri Lankan National and younger brother of the main conspirator accused Suresh Raj (A-6), he along

with his brother Suresh Raj (A-6), procured narcotic drugs, arms and ammunition from countries like Iran and Pakistan and transported the same through sea route to Sri Lanka and in turn from Sri Lanka to India. Being a member and supporter of LTTE, associated himself with Satkunam @ Sabesan (A-9), a core cadre of LTTE and also associated with Suresh Raj (A-6), Soundarajan (Approver) and others who are the active supporters of LTTE. Being a member of terrorist gang, he attended various conspiracy meetings with Suresh Raj (A-6), Soundarajan (Approver), Deepa Rajan Ranga @ Rangan (A-12), Satkunam @ Sabesan (A-9) and others at various places in Tamil Nadu with intention to revive LTTE and furthering its activities in India and Sri Lanka and thereby wage war against Sri Lanka.

16. In furtherance to the conspiracy, the accused also decided for illegal trafficking of narcotic drugs besides arms and ammunitions in huge quantity to achieve their goal. In furtherance to the conspiracy hatched by Suresh Raj (A-6), Soundarajan (Approver), Satkunam @ Sabesan (A-9), Anju (A-11), Deepa Rajan Ranga @ Rangan (A-12), Haji Salim @ Haji Bhai (A-13), and others, Ramesh A.(A-8) petitioner herein along with Suresh Raj (A-6) and Deepa Rajan Ranga @ Rangan (A-12) had taken the responsibility of successful delivery of consignment containing 300.323 kilograms of heroin, prohibited

arms (5 numbers of Type 56 rifles) and ammunitions (1000 rounds of 9 mm mostly of Pakistan Ordinance Factory make), arranged by Anju (A-11) and Deepa Rajan Ranga through (A-12) Haji Salim a Pakistan National (A-13), for furthering the activities of LTTE in India and Sri Lanka.

17. On 14.08.2021, searches were conducted at Chennai and Kerala. During the search at the rented accommodation of accused Ramesh A. (A-8), certain handwritten diary mentioning the dealing of drugs was seized. For ascertaining the handwriting of the accused the questioned and specimen handwriting were sent to FSL and the report is awaited.

18. The accused is charge sheeted for the offences punishable under Chapter IV and VI of the Unlawful Activities (Prevention) Act, 1967 and the perusal of case diary and the final report filed under section 173 CrPC clearly shows there are reasonable grounds for believing that the accusation against the accused is prima facie true.

19. Since the accused is seen to have been involved in offences under section 38, 39 & 40 of the UA (P) Act and also since there is prima facie material to show his involvement, the bar under section 43D of the UA (P) Act in granting bail to this accused comes in to play. The accused Ramesh A. (A-8) is not liable to be granted bail at this point of time in this case. This position of

law is not only covered by the statute, but also as per the judgment of the Hon'ble Apex Court.

20. It is further submitted that the accused Ramesh (A-8) is a Sri Lankan National and he is involved in Crime Number 515/2021 U/s 14(a) of Foreigners Act of Nedumbassery Police Station, for staying in India without valid VISA. As this accused being a foreign national and entered India unauthorizedly, the bar under Sec.43D (7) in granting bail also come into play. Sec 43 D (7) clearly states that, *notwithstanding anything contained in sub-sections (5) and (6), no bail shall be granted to a person accused of an offence punishable under this Act, if he is not an Indian citizen and has entered the country unauthorized or illegally except in very exceptional circumstances and for reasons to be recorded in writing.* It is to be noted that there is a case pending against this petitioner for violation of the Foreigners Act as he is not an Indian Citizen.

21. The second bail application filed by the petitioner before the Special Court for Trial of NIA cases vide No CrI. M. P. 224/2021 was rightly dismissed by the Hon'ble Special Court on 15.12.2021 as there is no change in circumstance.

22. The Hon'ble High Court of Kerala dismissed the bail application in

Crl.A. No. 623 of 2022, vide order dated 25.05.2022, observing that: *"We also take note of the fact that the appellant has been overstaying for more than five years within India. The statements of the witnesses also indicate frequent travel outside India. In that circumstance, it is only possible that the appellant had been using forged documents to come into the country, and it is quite possible that he has, in the ensuing years, often entered into the country unauthorizedly and illegally. "We find no reason to upset the findings of the learned trial Judge or grant bail to the appellant/accused. We reject the appeal filed by the appellant."*

23. The present bail application filed by the petitioner before the Special Court For Trial of NIA Cases is the fourth bail application, which is filed on the very same grounds as stated in the first, second and third bail applications vide Crl.MP 184 of 2021, Crl.MP 224 of 2021 and Crl.MP No 66 of 2021. There is no change in circumstance for filing another bail application after dismissal of the first, second and third bail applications.

24. The analysis report of the digital device of the petitioner clearly shows that, the said device contains Photos and Video of Narcotic drugs, the images of concealing of drugs (heroin), weighing Machine and Photo of packet containing heroin with seal 999 which is similar to the seal found in the

packets of heroin seized from the Sri Lankan Fishing Boat 'Ravihansi, which clearly proves the involvement of the petitioner in the instant crime.

25. The Petitioner is clearly abusing the process of law with ulterior motives under the guise of seeking bail. It is most humbly submitted that, if the accused is released on bail, there exists a strong and genuine apprehension that he may abscond from the jurisdiction of the Court, particularly considering his foreign nationality, which would severely hamper the judicial process. There is absolutely no mechanism to trace back the accused in case he leaves the Indian border.

26. The offence involved cross border narcotics trafficking, illegal possession of arms and ammunition and links to organised criminal and terrorist networks. So there is every risk of the accused tampering with the evidence or influencing witnesses if enlarged on bail. Thus his continued custody is essential to ensure their presence during the trial and to uphold the integrity of the prosecution's case. There are prima facie materials to show that the accused is involved in these acts knowingly and intentionally. That apart, this case squarely falls under the threshold of the bar provided u/s.43D of the UAPA Act. The petitioner being a foreign national he is not liable to be released on bail except under very exceptional circumstances. The petitioner has entered

the country illegally to do the crime. So the bail application is opposed and is to be dismissed.

27. The point for consideration is, whether the petitioner is entitled to get bail?

28. For the purpose of the adjudication of this petition, both sides were heard.

29. **The point** :- The petitioner was arrested on 07.09.2021 for the involvement in this crime and it is alleged that he is closely associated with banned terrorist organisation LTTE. A fishing boat by name 'Ravihansi' bearing registration number IMUL-A-0040-TLE was framed near Minicoy island, Lakshadweep within the territorial waters of India at the Arabian Sea while carrying huge quantity of contraband articles 300.323 Kg heroin along with 05 numbers of AK-47 rifles and 1000 numbers of 9mm ammunitions (mostly of Pakistan custody) with six Sri Lankan nationals, namely (1) L. Y. Nandana (2) Janaka Dassppriya (3) Gunasekara (4) Namesh Chullaks Senarath (5) Thilanka Madushan Ranasingha (6) Dadallage Nisanka who were on board of the Sri Lankan fishing boat mentioned above.

30. The learned counsel for the petitioner argued that the petitioner is facing incarceration right from the date of arrest i.e. from 07.09.2021 till this

date. According to the learned counsel, considering the pendency of cases involving serious and major offences investigated by premium agencies like CBI and NIA, there is no likelihood of an early trial and hence further incarceration is not justified and hence the petitioner is entitled to get bail.

31. The learned prosecutor opposed the said contention and argued that considering the gravity of offence and as there is cross border ramifications and the offence include narcotic smuggling, arms trafficking and links with banned terrorist organisations such as LTTE and the accused has committed serious offences under IPC, UAPA, Arms Act and NDPS Act and the petitioner being a foreign national, releasing the petitioner on bail will frustrate the trial.

32. The learned prosecutor then argued that conspiracy committed by the accused is evident from the statements of the protected witnesses, statements of CW49, CW75, CW76, CW77, CW83, CW88 and the statement of Soundarajan u/s.164 CrPC, the statement of Fasli Bhai (A14) u/s.164 CrPC besides documentary and scientific evidences clearly proves the guilt of the accused. The analysis report of the digital device of the petitioner clearly proves his involvement in the instant crime. So, the learned prosecutor argued that the prosecution is ready to have a trial on an earlier date.

33. The learned prosecutor has also taken me through the documentary

evidence namely seizure mahazars, disclosure statements of A2, A6, A3, A5 etc and hence the learned prosecutor vehemently argued that clear involvement of the petitioner can be easily established at the time of trial. He also argued that digital devices and mirror images of Thuraya Satellite phone/handset will confirm its use by the petitioner for clandestine communications. The learned prosecutor also argued that the scientific evidence produced before this court, namely the forensic examination report from FSL Hyderabad, the chemical analysis report will improve the prosecution case to a greater extent. The learned prosecutor then submitted that they are ready to co-operate with this court for an early trial and there won't be any delay or latches on their part.

34. The prosecutor argued that the involvement of the petitioner in this crime is larger conspiracy. It is clear from the investigation that he is directly involved in this crime and has played a vital role in furtherance of the activities of the banned terrorist organisation LTTE. The learned prosecutor also argued that the petitioner being a Sri Lankan National and younger brother of the main conspirator 6th accused, he along with his brother Suresh Raj (A6) procured narcotic drugs, arms and ammunition from countries like Iran and Pakistan and transported the same through sea route to Sri Lanka and in turn from Sri Lanka to India.

35. Considering the cross border ramification and considering the seriousness of the case and considering the fact that the petitioner being a Sri Lankan National, granting bail to the petitioner will frustrate the trial. The learned prosecutor fairly submitted that they are ready to co-operate with this court for an early trial. So, if both parties are ready to co-operate, the trial can be commenced sooner than later. Considering the gravity of the offence and for the reasons stated above, this court is not inclined to grant bail to the petitioner. Therefore, the petition fails and it is dismissed.

In the result, the petition is dismissed.

Dictated to the Confidential Assistant and typewritten by him, corrected and pronounced by me in open court on this the 27th day of August, 2025.

Sd/-
N. Seshadrinathan
Judge for NIA Cases

APPENDIX : NIL

Sd/-
Judge for NIA Cases

// True copy //

(By Order)

Sd/-

Sheristadar

Order in
Crl.M.P No. 118/2025 in
S.C No. 04/2021/NIA
Dated: 27/08/2025