

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

Present:- Shri. N. Seshadrinathan, Judge, Special Court for NIA Cases
Tuesday, the 2nd day of September, 2025 / 11th Bhadra, 1947

Crl.M.P No. 140/2025

in

S.C No. 04/2021/NIA

Petitioner / Accused No. 6 :-

Suresh Raj. A, @ Suresh @ Katta Suresh,
S/o. Arasa Rathinam.
Residing at Door No. 126, 8th Cross Street,
Irاندam Kattalai, Kundrathur, Chennai – 600069.

By Adv. Sri. P.K. Anil

Respondent / Complainant :-

Union of India,
Represented by National Investigation Agency, Kochi
By Sri. Arjun Ambalapatta, Senior Public Prosecutor, NIA

This petition having been heard on 18/082025 and the Court on this day
passed the following:-

ORDER

This is an application for bail filed by the 6th accused u/s. 483 of BNSS,
2023. The offences allegedly committed by the accused as per the crime are
u/s.120B, 125, 465 and 471 of IPC and Sections 18, 20, 38, 39 and 40 of the
Unlawful Activities (Prevention) Act, 1967 and Sections 7 r/w.25(AA) of Arms

Act, 1959 and Sections 8(c), 21(c), 23(c), 24, 25, 27A, 28 and 29 of the NDPS Act, 1985.

2. The prosecution allegation in brief is that on getting information, the Indian Coast Guard intercepted a Sri Lankan fishing boat 'Ravihansi' bearing Reg. No.IMUL-A-0040-TLE on 18.03.2021 at Arabian Sea, which was found with huge quantity of contraband articles along with five AK-47 rifles and 1000 numbers of 9 MM ammunitions illegally and without proper documents besides on board six Sri Lankan Nationals. The said Sri Lankan boat 'Ravihansi' along with contraband articles, arms and ammunition were seized by the 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 the NCB, South Zone, Kochi vide NCB-OR-2/2021/NCB/SZ/COK-117 dated 27.03.2021 against six Sri Lankan Nationals. Only six persons, who are named in the petition, were on board of the fishing boat 'Ravihansi'.

3. The seized articles and arrested six accused persons were produced before the Judicial First Class Magistrate Court, Neyyattinkara by NCB and the case was transferred to the Sessions Court, Vanchiyoor, Thiruvananthapuram. On the basis of the report submitted by NCB, a case was registered on 05.04.2021 at

Vizhinjam police station as Crime No.498/2021 dated 05.04.2021 under Section 27 of Arms Act, 1959 and Section 34 of IPC against the six Sri Lankan Nationals for the illegal possession of five AK-47 rifles and 1000 numbers of 9 MM ammunitions and FIR was submitted before the Temporary 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 (IAA) of Arms Act, 1959.

4. Considering the nature and gravity of the offence, the National Investigation Agency took over the investigation as per the notification of the Government of India, Ministry of Home Affairs, CTCR Division vide order No.11011/29/2021/NIA dated 27.04.2021, and re-registered the case as RC 01/2021/NIA/KOC under section 7 r/w. 25(1AA) of Arms Act and the FIR was submitted before this court. The investigation was taken over from Kerala police on 12.05.2021.

5. Accused 1 to 6 were formally arrested by the NIA at Central Jail, Poojappura on 11.06.2021, after getting permission from the 1st Additional Sessions Court, Vanchiyoor, Thiruvananthapuram. They were produced before this court on 21.06.2021 on production warrant issued by this court and they were taken into NIA custody and they were subjected to questioning.

6. During investigation, the incriminating role played by A6 the petitioner and others has been revealed and the mobile phone and SIM cards which were used by those suspects were also seized during the investigation. The owner of the above said fishing boat has contact with one suspect at abroad. The petitioner and Soundarajan were in contact with that suspect at abroad for committing the offence by using various mobile phones and pre-activated SIM cards which were obtained fraudulently in the name of other persons without their knowledge.

7. Reports were given to add accused 7 and 8 and the accused 7 and 8 were produced before the court on 02.08.2021 on the strength of the production warrant issued against them. On the basis of the remand report, they were remanded and sent to police custody from 02.08.2021 to 09.08.2021 and further police custody from 09.08.2021 to 13.08.2021.

8. During the police custody, based on the disclosure statements of A7 and A8, the social media/email, extraction proceedings of A7 and A8 has been carried out in the presence of witnesses. The entire data of the social media and email accounts of accused 7 and 8 were not able to be downloaded. The accused is a Sri Lankan National/ Indian residing at Chennai, Tamil Nadu and it is stated that investigation revealed his involvement to this crime and association with the

banned terrorist organisation LTTE. He was arrested on 02.08.2021 when he was in judicial custody of Q Branch, Kancheepuram in Crime No.1/2021. It is alleged that the accused have committed offence punishable under various sections of Chapter IV and VI of UA(P) Act and accordingly they were charged under various sections of Chapter IV and VI of UA(P) Act and various sections of NDPS Act and charge sheet has been filed on 15.12.2021.

9. After filing of the charge sheet and taking cognizance of the case SC 4/2021, the position of the accused changed as 6th accused and originally his rank was 7.

10. The petitioner placed reliance upon Directorate of Enforcement v. Subhash Sharma reported in 2025(2) KHC 45 to drive home the point that whenever there is violation of fundamental right of the accused, his arrest is vitiated and he has to be released forthwith. Then he place reliance on 2025 KHC Online 706 wherein the Hon'ble High Court of Kerala held that "When a violation of Article 22(1) is established, it is the duty of the Court to forthwith order release of the accused. That will be a ground to grant bail even if statutory restrictions on the grant of bail exist." Then the counsel relied upon 2025 KHC Online 1843 wherein the Division Bench of the Hon'ble High Court of Kerala held that "When an accused under the Unlawful Activities (Prevention) Act,

1967, faces prolonged pre-trial incarceration and there is little likelihood of trial concluding in near future, rigours of Section 43D(5) of Unlawful Activities (Prevention) Act, 1967 must yield to constitutional guarantee of speedy trial and personal liberty, allowing Court to grant bail notwithstanding the statutory embargo".

11. The earlier bail application, CrI.M.P No.215/2024, filed by the petitioner was dismissed by this Court mainly relying on Section 43D(7) of Unlawful Activities (Prevention) Act, 1967.

12. The petitioner and his family are permanently residing in India for the last few years and he is having properties and bank accounts in India. The prosecution does not have a case that the petitioner unauthorisedly or illegally entered the country and not even a scrap of paper has been produced by the prosecution to prove the same. The petitioner has been saddled as an accused mainly on the basis of disclosure statements of accused, persons, which are inadmissible under the Indian Evidence Act, 1872. No actual or constructive possession of any contraband can be attributed against the petitioner. No materials for the same are available in the case. Even if it is assumed that the petitioner is implicated as accused on the basis of statement of co-accused, the same alone is not sufficient to make a person as accused. It is a settled

preposition of law that confession of a co-accused is not a substantive evidence against the other accused as laid down by this Hon'ble Court in Lissy Kurian Vs. State of Kerala reported in 2004(1) KLJ 877 (2004(3) KLT 442. The very same view is taken by the Hon'ble Apex Court in the decision reported in AIR 1964 SC 828 and this Hon'ble Court in Joseph Vs. State of Kerala reported in 2010(1) KLT SN 16 (C.No.18). As per the judgment of the Apex Court in Mohammed Fasin Vs. State represented by the Intelligence Officer reported in 2019 (8) SCC 811 "a confession, recorded when accused is in custody, even when admissible, is a weak piece of evidence and there must be some corroborative evidence". As per decision of the Hon'ble High Court of Kerala in Mohammed V. State of Kerala reported in 1990(1)KLT SN25 (C No.26) "The confession made by one accused implicating himself and another can be used against the other only as a corroborating material. Confession of co-accused is not substantive evidence, though the same can be used to corroborate substantive evidence.

13. There is no conspiracy as there is no meeting of mind as mandated by law. As per the judgment reported in 2024 (5) KLT 1123 the Division Bench of the Hon'ble High Court of Kerala has held that "when the circumstances do not cumulatively form an unbroken chain of events linking the accused with the crime it shows that the prosecution has also failed to prove prima facie the

circumstances projected by them, beyond all reasonable doubt, to bring home the guilt to the accused, and to prove that the accused had committed the offences, hence, the accused are entitled to the benefit of doubt". Here in the case on hand the prosecution did not produce anything to show an unbroken chain of events linking the accused with the crime of conspiracy. Therefore, the petitioner is entitled to get the benefit of doubt.

14. On a perusal of Charge Sheet filed by the National Investigation Agency in the case on hand shows that different charge witnesses have been cited as witnesses to prove different minor aspects which are incapable to prove the alleged conspiracy of the accused. CW24 and 25 are cited to prove the social media/gmail extraction of the petitioner on different days. CW27 to CW31, CW37 and CW38 speaks about the recovery under Section 27 of the Indian Evidence Act which is alleged to be at the instance of the petitioner. The same so called evidence are self-incriminatory and is in violation of the protection guaranteed under Article 20(3) of the Constitution of India. Similarly, CW42 to 45 speaks about the search conducted in a water plant allegedly belongs to the petitioner. CW71 only speaks about the recharge of mobile phone allegedly belongs to the petitioner, CW73 to CW78 and CW 86 are cited to prove the allegation of acquaintance and association of the petitioner with the LTTE

organisation. But the statements of these witnesses are quite insufficient to prove the same and on the basis of such vague and cryptic allegations no guilt can be attributed against the petitioner herein. Hence the dictum laid down in the judgment of the Apex Court mentioned supra, that "A few bits here and a few bits there on which the prosecution relies, cannot be held to be adequate for connecting the accused with the commission of crime of criminal conspiracy" is squarely applicable in case on hand.

15. It is pertinent to note here that CW125 himself admits that he is an advocate and the petitioner was his client. Therefore, the disclosure made by CW125 will hit by Section 126 of Indian Evidence Act, 1872 (Section 132 of Bharatiya Sakshya Adhinyam, 2023). As per Section 126 of Indian Evidence Act, 'No barrister, attorney, pleader or vakil shall at any time be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakil, or by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of employment'. In the light of the embargo in the forgoing provision, the evidence

of CW125 cannot be accepted as a valid evidence.

16. Section 183 of the Code of Criminal Procedure mandate that 'when an offence is committed, whilst the person by or against whom, or the thing in respect of which, the offence is committed is in the course of performing a journey or voyage, the offence may be inquired into or tried by a Court through or into whose local jurisdiction that person or thing passed in the course of that journey or voyage'. As per the statement of CW5, the exact location of alleged interception was 8 Nautical Miles away from Minicoy Light House. The Vizhinjam Harbour is located at about 226 Nautical Miles away from the place of alleged interception. The Indian Coast Guard Ship Samarth continued its voyage for further distance of 226 Nautical Miles from the place of interception to reach the jurisdictional court in Thiruvananthapuram. At the same time, the nearest jurisdictional magistrate court is situated in Androth Island which is nearer than the magistrate court in Kerala. This creates serious doubt on the prosecution case. Therefore, the production of the accused and contraband articles in a court without jurisdiction and violating the statutory territorial limits. So, the prosecution story is a concocted one and hence the petitioner's further incarceration is not justified and he is to be released on bail.

17. Respondent filed objection raising the following contentions:- The

petition is not maintainable and it is to be dismissed. The petitioner was charged sheeted for the offences punishable u/s.120B of IPC r/w. Section 125 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.

18. On receiving credible information, Indian Coast Guard intercepted and traced out one Sri Lankan fishing boat 'Ravihansi', bearing Registration No. IMUL-A-0040-TLE 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, S/o 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'.

19. The seized articles and the arrested six accused were produced before the Hon'ble Judicial First-Class Magistrate Court Neyyantikkara by NCB. Further the case of NCB in OR number NCB-OR-2/2021/NCB/SZ/COK-117 dated 27.03.2021 transferred to was 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.

20. Considering the nature and gravity of the offence, NIA took over the case. Interrogation of A1 to A6 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.

21. One Suresh Raj A. @ Suresh @ Chinna Suresh, aged 39/2021, S/o Arasa Rathinam, Door No 128, 8th Cross Street, Irandamkattalai, Samayapuram, Kundrathur, Chennai (petitioner) 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.

22. 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 Hon'ble Court on 31.08.2021.

23. Investigation also revealed the incriminating role of the petitioner and other accused and there is larger conspiracy of the crime.

24. 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, 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 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 this Hon'ble Special Court.

25. After filing of the charge sheet, the Hon'ble Special Court for NIA Cases took cognizance of the case as SC 04/2021 and the position of the accused changed as follows: L. Y. Nandana (A-1) H. K. G. B. Janaka Dasappriya (A-2), S. A. Namesh Chullaka Senarath (A-3), Thilanka Madushan Ranasingha (A-4), Diallage Nisanka (A-5), Suresh Raj (A-6), L. Y. Nishantha (A-7), Ramesh A (A-8), and Satkunam @ Sabesan (A-9).

26. With respect to the contentions raised by the Petitioner (A-6) in paragraphs 1, 2, and 3 of the bail petition, it is most respectfully submitted that,

the allegations therein are baseless and misleading. The Petitioner is not falsely implicated but is a key conspirator in a grave case involving the seizure of 300.323 kilograms of heroin, 5 AK-56 rifles, and 1000 rounds of 9mm ammunition, all linked to a transnational narco-terror network. The contraband-laden boat was intercepted by the Indian Coast Guard near Minicoy Island based on credible intelligence, and the case was subsequently re-registered by the National Investigation Agency, Kochi, as RC-01/2021/NIA/KOC. The Petitioner's involvement is not based solely on the confessions of co-accused, as falsely claimed, but is supported by substantial material evidence collected during a detailed investigation, including digital data, witness statements, and other incriminating materials. The Petitioner was arrested on 02.08.2021 while in judicial custody in another case (Cr. No-01/2020 of Q Branch Kancheepuram) and after the completion of investigation, a charge sheet was filed on 15.12.2021 wherein, he was arrayed as Accused No. 6. These facts clearly establish his active and central role in the offence, and the plea of false implication is devoid of merit and appears to be an attempt to mislead the Hon'ble Court and evade judicial custody.

27. The contentions raised in para 4 of the bail petition are wholly misconceived and devoid of merit. The Petitioner/A-6, is a Sri Lankan national

who had unlawfully entered and resided in India without valid documents, and was previously arrested by the Q Branch, Kancheepuram in Crime No. 01/2020 under Sections 420, 465, 468, 471, 353, 506(ii), 34 & 212 of IPC, Section 14(A) (b) of the Foreigners Act, 1946, and Section 12(1)(c) of the Passport Act, 1967. He is also a convicted accused in NDPS Crime No. F. No. 48/1/17/2006-NCB/MDS. The investigation in the present case has revealed clear and cogent evidence of his direct involvement in a grave transnational conspiracy involving the smuggling of 300.323 kilograms of heroin, five AK-56 rifles, and 1000 rounds of 9mm ammunition, in coordination with co-accused including Satkunam@ Sabesan (A-9), Soundarajan (approver), Ramesh A (A-8), and other operatives linked to the banned terrorist organization LTTE. The material collected during investigation, including digital data, witness statements, and recovered contraband, establish the active and vital role played by the Petitioner in furtherance of the objectives of this proscribed organization. The Petitioner's claim that his continued incarceration violates his fundamental rights is untenable, particularly in light of the serious threat he poses to national security and public safety. The reliance placed on Directorate of Enforcement v. Subhash Sharma, 2025(2) KHC 45, is factually and legally inapplicable to the present case, as there has been no violation of the Petitioner's fundamental

rights, and his arrest and detention have been carried out strictly in accordance with law.

28. The reliance relied upon by the petitioner are not applicable to this case. Considering the gravity of the offence, the petitioner's background and his connection with banned terrorist organisation, he is not entitled to get any kind of leniency on constitutional grounds. The petition is to be rejected in the interest of national security and public order. The allegation of indefinite delay is without any basis. Granting bail at this critical juncture would severely compromise the integrity and fairness of the ongoing judicial process.

29. Section 43D (7) of the Unlawful Activities (Prevention) Act, 1967 unequivocally bars the grant of bail to a person who is not an Indian citizen and has entered or remained in the country illegally, except in the rarest of exceptional circumstances. The Petitioner/A-6, is a Sri Lankan national who illegally entered and unlawfully stayed in India without valid travel or residential documents and has committed multiple criminal offences across the country. He was arrested by the Q Branch, Kancheepuram in connection with Crime No. 01/2020 for offences under Sections 420, 465, 468, 471, 353, 506(ii), 34, and 212 of IPC, Section 14(A)(b) of the Foreigners Act, 1946, and Section 12(1)(c) of the Passports Act, 1967. He has also been convicted previously in a NDPS

case (F No. 48/1/17/2006 - NCB/MDS), indicating a consistent pattern of criminality and disregard for Indian law.

30. The assertion that, the prosecution has not produced 'even a scrap of paper to prove his illegal entry is patently false. In fact, forged Indian identity and school documents were recovered during the NIA search of his residence, which were also the subject matter of the Q Branch FIR. These facts clearly establish that the petitioner was impersonating an Indian citizen through forged documents and deceit. The claim that, he and his family were residing permanently in India or held Indian bank accounts cannot be a ground to dilute the statutory bar under Section 43D (7), especially when such residence itself is the outcome of fraud and forgery. Therefore, the Petitioner's attempt to sidestep the rigors of Section 43D (7) is legally untenable and devoid of merit and his custody is justified in light of the serious national security concerns involved.

31. It is misleading to suggest that, the Petitioner has been arraigned solely on the basis of disclosure statements or confessions of co-accused. The prosecution has produced substantial and independent corroborative evidence to establish the Petitioner's deep-rooted involvement in the criminal conspiracy. Witness statements of CW-66, CW-71, CW-72, CW-75, CW-76, CW-77, CW-78, CW-79 (Protected Witness "A"), CW-80 (Protected Witness "B"), and CW-

81 (Protected Witness "C") clearly reveal the Petitioner's nexus with key co-accused including Soundarajan (approver), Ramesh (A-8), Ahamed Fasly (approver), Satkunam (A-9), and Anju (A-11) and further disclose his role in narcotics trafficking, illegal fund transfers and communication using pre-activated SIM cards. The statement of CW-80 affirms that, a specific SIM card (No. 7550189253) collected by Soundarajan (approver) was used by the Petitioner to coordinate with Anju (A11) for arranging the contraband consignment. These statements are not isolated; rather they are mutually corroborative and supported by documentary and scientific evidence including judicial confessions of Soundarajan and Ahamed Fasli recorded under Section 164 CrPC, which directly implicate the Petitioner and align seamlessly with the facts revealed during investigation. The prosecution has thus clearly established a chain of circumstances pointing to the Petitioner's participation in the criminal conspiracy, which satisfies the standard laid down in *State of Kerala v. Sugathan* and other judgments relied on by the Petitioner. The argument that, there is no 'unbroken chain of events' is patently incorrect when weighed against the cumulative evidentiary value of the statements, documents, and seizures. Hence, the Petitioner is not entitled to the benefit of doubt at this stage and the bar under Section 43D (5) of UAPA stands clearly attracted in view of the prima

facie case made out against him.

32. It is incorrect to suggest that, the witnesses cited in the charge sheet speak only to minor aspects or that the evidence is vague or insufficient to establish the Petitioner's involvement in the alleged conspiracy. In reality, CW-24 to CW-29 are independent and official witnesses, requisitioned from various departments to assist the investigation and to attest crucial procedures such as extractions of digital evidence, Gmail/social media account analysis, and recoveries under Section 27 of the Indian Evidence Act. Further, CW-30 and CW-31 are material witnesses, with CW-30 producing the rental agreement of the premises occupied by the Petitioner and CW-31 confirming the Petitioner's residence and activities as a neighboring resident, thus directly contributing to the establishment of identity and location of the Petitioner. CW-71's role is not limited to mobile recharge details; he also produced documentary proof that, directly corroborates the usage of a particular SIM card linked to the Petitioner thereby, connecting him to communication with co-conspirators. Moreover, CW-73 to CW-78 and CW-86 provide evidence of the Petitioner's association with proscribed LTTE operatives and his involvement in conspiratorial meetings and illegal activities with their statements further corroborated by documentary, digital and material evidence. The claim that, the evidence is 'self-incriminatory'

and violative of Article 20(3) of the Constitution is baseless, as all such evidence has been collected following due process of law and supported by independent and corroborative proof and is not based on compelled testimony. The reliance on selective interpretation of case law does not assist the Petitioner when cumulative evidence establishes a strong prima facie case under Section 43D (5) of the UAPA, rendering him ineligible for bail at this stage.

33. There is prima facie material available to show that, the accused had committed these acts intentionally and knowingly and that, the case squarely falls under the threshold of the bar provided under section 43D of the UA(P) Act and dismiss this application.

34. The Petitioner is clearly abusing the process of law with ulterior motives under the guise of seeking bail. If the accused are released on bail, there exists a strong and genuine apprehension that, he may abscond from the jurisdiction of this Court, particularly considering his foreign nationality, which would severely hamper the judicial purpose. There is absolutely no mechanism to trace back the accused in case they leave the Indian border. Hence, the petition is to be dismissed.

35. Whether the petitioner is to be enlarged on bail is the moot

question.

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

37. **The Point**:- Going by the prosecution case, the petitioner is a Sri Lankan National who is residing in Tamil Nadu. The petitioner is charged with offences u/s. 120B of IPC r/w. Section 125 IPC, Sections 18, 20 , 38, 39 and 40 of the Unlawful Activities (Prevention) Act, 1967, Section 120B IPC r/w. Section 7 and 25(IAA) of Arms Act, 1959, Section 8(c) r/w.21(c), 23(c), 24, 27A, 28 and 29 of the NDPS Act and Section 120B, 465 and 471 IPC.

38. Earlier bail application filed by the accused was dismissed vide order dated 17.12.2024. Considering the nature of the case, gravity of the offence and precedents on the point that no change of circumstances is brought out over the lapse of 8 months and in the given facts circumstances of the case, this cannot be treated as a change of circumstance. That apart, the argument advanced by the learned counsel for the petitioner argued that the inordinate incarceration is not justified since the petitioner is in custody since 02.08.2021. The learned counsel placed reliance on various rulings laid down by the Hon'ble Apex Court and Hon'ble High Court on the point. It is pertinent to note that only constitutional courts can exercise such power and hence there is no point in

raising such a plea before this court. If both parties are ready to co-operate with this court, the trial can be commenced and concluded on an earlier date though several old cases are pending before this court where prolonged trial is necessary. With these observations the petition is dismissed.

In the result, petition is dismissed.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 2nd day of September, 2025.

Sd/-
N. Seshadrinathan
Judge for NIA Cases

APPENDIX : NIL

Sd/-
Judge for NIA Cases

// True copy //

(By Order)

Sd/-
Sheristadar

Typed by: akr
Comp.by: jcs

**Order in
Crl.M.P No. 140/2025 in
S.C No. 04/2021/NIA
Dated: 02/09/2025**