

**IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,
PRINCIPAL DISTRICT & SESSIONS JUDGE, COIMBATORE**

Friday, this the 10th day of April, 2026

CRIMINAL MISCELLANEOUS PETITION No.905/2026

Jaffer Ali @ Jaffar (Age 37 years)
S/o. Syed Mohammed.

... Petitioner / A-5

/vs/

State, Rep. by
through the Deputy Superintendent of Police,
CBCID CBE Police Station,
Crime No.3/2017.(SC.No.195/2017)

**Offence: u/s.302, 364, 147, 148, 294b, 120B of IPC @ 302 of IPC @ 364, 147,
148, 341, 294b, 302 r/w 120B of IPC @ 120B, 147, 148, 302 r/w Sec.149 & 34 of
IPC and Sec.15(1)(a)(i), 16, 18, 20 & 22 of UAPA Act r/w 153A of IPC.**

Through the Special Public Prosecutor, Coimbatore. ... Complainant
(The Principal District & Sessions Court, Coimbatore.)

This petition filed on behalf of the petitioner to release him on bail u/s.483
of BNSS.

This petition is coming on this day for final hearing before this Court in the
presence of **Tvl. S. Xavier Felix and Z. Imran**, Advocate for the Petitioner / A-5
and **Thiru. T.A. Selvaraj, Special Public Prosecutor**, represented for Q Branch
CID Act State, upon perusing the petition submitted and upon hearing both side
arguments, this Court pronounced the following:-

ORDER

Heard both side.

The petitioner is the accused in Crime No.3/2017 of CBCID CBE Police
Station, for the alleged offence u/s.302, 364, 147, 148, 294b, 120B of IPC @ 302
of IPC @ 364, 147, 148, 341, 294b, 302 r/w 120B of IPC @ 120B, 147, 148, 302
r/w Sec.149 & 34 of IPC and Sec.15(1)(a)(i), 16, 18, 20 & 22 of UAPA Act r/w
153A of IPC, he has filed this petition, seeking grant of bail.

2. The learned counsel for the petitioner argued that the petitioner was earlier granted statutory bail by this Court and subsequently the said bail was cancelled, alleging an incident involved one L.W.48 (Nehru Das), a fresh FIR was registered. The learned counsel has further submitted that the defacto complainant has already been examined and extensively cross examined and after cancellation of the bail, the petitioner has been in judicial custody for more than one year. Subsequent to dismissal of earlier bail petition, two additional witnesses have been examined. The learned counsel has further argued that continued incarceration cannot become punitive, only key witnesses are examined, risk of tampering substantially reduces. The learned counsel has further submitted that on the date of the alleged occurrence, the name of L.W.48 has not been mentioned for examination and he had provoked the accused by taking photograph and till date the said L.W.48 has not been examined by the prosecution side. The learned counsel has further argued that, the sanctioning authority has given sanction mechanically, without perusing the records and no prima facie case is made against the petitioner. The learned counsel has further argued that, in the cases under UAPA, ordinarily the sanctioning authority is examined as first witness since sanction is a condition precedent for valid cognizance and trial. The learned counsel has further argued that, the petitioner is in judicial custody for the past 464 days and he is ready to abide any condition and prays to enlarge the petitioner on bail.

3. The learned Special Public Prosecutor submitted that in this case, previously the petitioner was enlarged on bail by this Court. After coming on bail, on 19-11-2024, during the trial of the case in S.C.No.195/2017, one Nehru Dass (L.W.48) was present at the Court to meet the Special Public Prosecutor regarding his upcoming testimony and on seeing the witness, all the accused confronted him in the Court veranda and abused him with filthy language and they threatened the said witness with dire consequences which is nothing but violation of the bail conditions and accordingly another FIR has been registered against the petitioner and other accused. In the said case, the petitioner is arrayed as A-5. Further during the time of the custody, the petitioner and his associates threatened the Jail Officer and Jail Authority and case has been registered, apart from the above said FIR. Therefore, now the accused have been transferred to some other prisons. The learned Special Public Prosecutor has further argued that, after cancellation of the bail, the petitioner is absconded for a period of 13 days and thereafter only the police are able to secure the petitioner. The learned Special Public Prosecutor has further argued that the incarceration of the petitioner is on account of his own violation of bail conditions in the premises of this Court and the petitioner and co-accused expressed violent behavior against the witness and Prison officials which clearly indicates that the petitioner and his associates have no regard for law and

use every opportunity to undermine the Administration of Criminal Justice System so as to escape from the clutches of law and as such, the petitioner is not entitled bail and prays to dismiss the same.

4. This Court has considered the submissions of both side. The petitioner is arrayed as accused in Crime No.3/2017 of CBCID CBE Police Station, for the alleged offence u/s.302, 364, 147, 148, 294b, 120B of IPC @ 302 of IPC @ 364, 147, 148, 341, 294b, 302 r/w 120B of IPC @ 120B, 147, 148, 302 r/w Sec.149 & 34 of IPC and Sec.15(1)(a)(i), 16, 18, 20 & 22 of UAPA Act r/w 153A of IPC. Admittedly, already this Court granted bail to the petitioner with certain conditions and subsequently the said bail was cancelled since the petitioner and his associates involved in threatening one witness in the Court premises. The petitioner is in judicial custody for the past 464 days. Now the learned counsel for the petitioner would argue that, on the alleged date of occurrence, the said witness had provoked the accused with a view to keep the accused behind the bar and that on the date of the alleged occurrence, the name of L.W.48 has not been mentioned for examination and he had provoked the accused by taking photograph and till date the said L.W.48 has not been examined by the prosecution side. The learned counsel for the petitioner would further argue that, the mere sanction in this case is improper and the sanctioning authority has given sanction mechanically without perusing the records. Whereas, the learned Special Public Prosecutor has argued that, after coming on bail, the petitioner violated the condition by threaten the witness in the Court premises and due to which, the bail was cancelled and even during the time of their custody period, the petitioner and his associates threatened the prison authorities and as a result of which, separate FIR has been registered.

5. Taking into consideration of all the above, though the petitioner is in judicial custody for the past 464 days, considering the nature and gravity of the offence, having regard to the alleged conduct of the petitioner, this Court is not inclined to grant bail to the petitioner.

Hence, this petition is dismissed.

This order is dictated to steno-typist, typed by her, corrected and pronounced by me on this 10th day of April, 2026.

PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.

CC to :

1. The Principal District & Sessions Court, Coimbatore.
2. The Special Public Prosecutor, Coimbatore.
3. The Inspector of Police, CBCID CBE Police Station,
4. Counsel for the Petitioner / Accused.