



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

AND

THE HON'BLE MRS JUSTICE K.S. HEMALEKHA

CRIMINAL APPEAL NO. 1573 OF 2024

Between:

Md Badal Houladar @
Badol Howlader,
S/o Md Hakim Howlader,
Aged about 52 years,
R/at 24 Paragans, Bithari,
Swarupnagar, Uttarpara,
Bithari North 24 Paraganas,
West Bengal-743286,

Permanent Address
Khintakata Village,
Sharankhola Upazila,
Bagerghat District,
Khulna Division,
Bangladesh-9000

(By Sri. M. Krishne Gowda, Advocate)

...Appellant

And:

The National Investigation Agency,
Bengaluru,
Represented by Special Public Prosecutor,
High Court of Karnataka,
Bengaluru- 560 001.

(By Sri. Prasanna Kumar P., Spl.P.P.)

...Respondent

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by VEERENDRA
KUMAR K M
Location: HIGH
COURT OF
KARNATAKA



This Criminal Appeal is filed u/s 21(4) of NIA Act r/w Section 439 Cr.P.C. praying to set aside the impugned order passed by the XLIX Additional City Civil and Sessions Judge (Special Court for trial of NIA cases) CCH-50 at Bengaluru in Crl.Misc.No.6560/2024 dated 01.08.2024 and enlarge the appellant on bail in crime RC-1/2023/NIA/BLR for the offence p/u/s 120B and 370(3) of IPC and section 14, 14A(b) and 14C of Foreigners Act and section 3 of the Passport Act r/w Rule 6 of the Passport (Entry in India) Rules and pending trial before XLIX Additional City Civil and Sessions Judge (Special Court for trial of NIA cases) at Bengaluru.

This Criminal Appeal, coming on for admission, this day, judgment was delivered therein as under:

CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR
and
HON'BLE MRS JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MRS JUSTICE K.S. HEMALEKHA)

This criminal appeal is preferred by accused no.10 under section 21(4) of the National Investigation Agency,



2008 (for short "NIA") seeking to set aside the impugned order passed by the XLIX Addl. City Civil and Sessions Judge (Special Court for trial of NIA cases), CCH-50 at Bengaluru in Crl.Misc.No.6560/2024 dated 01.08.2024 and enlarge the appellant on bail in Crime RC-1/2023/NIA/BLR of the offences punishable under sections 120B and 370 (3) of IPC and Sections 14, 14A(b) and 14C of Foreigners Act and Section 3 of Passport Act r/w Rule 6 of the Passport (Entry in India) Rules, 1950 pending trial before the Special Court for trial of NIA cases.

2. The Central Government on receiving reliable information that certain entities based in Karnataka are involved in trafficking of persons of Bangladesh and Rohingya of Myanmar origin to India on the strength of forged Indian identity documents, the National Investigation Agency registered a case on an order issued by the Government of India in RC-No:1/2023/NIA/BLR at NIA police station on 07.11.2023.



3. The investigation / searches were conducted at locations of the accused persons in which various Indian identity documents were seized, investigation revealed that 22 Bangladesh Nationals were illegally trafficking into India and submitted charge sheet against the appellant and other accused persons for the offences stated supra. The appellant/accused No.10 is alleged to have illegally entered India without valid documents around 15 years ago, worked as a garbage segregator and started his own garbage collection Godown in Chikkabanavara area in Bengaluru and he fraudulently obtained Indian Identity cards, such as PAN card and Aadhar card.

4. Heard Sri. M.Krishnegowda, learned counsel for the appellant and Sri. P.Prasanna Kumar, learned Spl.P.P. for the respondent – NIA.

5. Learned counsel for the appellant submits that on perusal of the FIR, complaint and the charge sheet filed against the appellant would *prima facie* indicate that the NIA has intentionally implicated the appellant. Further that



the documents produced by the prosecution would nowhere indicate the offence committed by the appellant. It is submitted that the appellant has been in judicial custody since 08.11.2023 even though he has not committed any offence. Stating these grounds learned counsel seeks to release the appellant on bail.

6. *Per contra*, learned Special Public Prosecutor appearing for the NIA in support of his contentions produces material through a memo that are part of the charge sheet and the seizure list conducted at the appellant's residence. Learned counsel submits that appellant has played an active role in human trafficking from Bangladesh into India with the help of forged and fabricated documents, and during search at the appellant's residence, the authorities have recovered Bangladeshi passport, Bangladesh national identity card and SIM cards registered with Bangladeshi telecom providers. He has fraudulently obtained Indian identity card including Aadhar card and PAN Card, and further, the birth certificate



annexed to the appeal papers is also forged, this act of the appellant is a threat to the security of the nation.

7. We have carefully considered the rival contentions urged and perused the material on record.

8. The NIA conducted search on 08.11.2023 at the house of the accused/appellant and during the search, mobile phone with Banglalink 3G and Banglalink full speed 4G SIM cards were seized, passport having No.A07665213 in the name of Begum Hawha DOB: 11.03.1977 w/o Badol Howlader (appellant/accused No.10) issued by the People's Republic of Bangladesh, Visiting cards of ATHOY Transport and New Hanif Transport based in Bangladesh with Bangladesh contact numbers, three Bangladesh currency notes in Denomination of 1000 and 500 Taka and also various Indian identity documents like Aadhar card and PAN Card, the materials under the seizure list were seized in the presence of the independent witnesses.



9. Perusal of the seizure list and the charge sheet containing witnesses statement, digital evidence and documentary proof *prima facie* indicates the appellant's direct involvement and also shows that he is a Bangladeshi national who entered India without valid documents, fraudulently obtained Indian identity cards, such as PAN card, Aadhar card and even the birth certificate, this much of materials are sufficient at this stage to hold against the appellant for grant of bail.

10. It is also brought to the notice of this court that the co-accused Nos.4 and 6 who had approached this court in Crl.A.No.1055/2024 and Crl.A.No.1216/2024 raising similar grounds challenging the rejection of their bail applications and the co-ordinate Bench of this Court on consideration dismissed the appeals.

11. The Special Court after assessing the entire material on record has rightly rejected the bail application and for all the said reasons stated supra, we deem it



appropriate not to interfere with the impugned order.

Accordingly, we pass the following:

ORDER

Criminal appeal is hereby ***Dismissed***.

**Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**