



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 22 OF 2026 (21(NIA))

BETWEEN:

MOHAMMAD ARIF
S/O MOHD. MUBARAK HUSSAIN,
AGED ABOUT 42 YEARS,
NO.4/2381, STREET NO.1.
IQRA COLONY, ALIGARH,
UTTAR PRADESH - 202001.

...APPELLANT

(BY SRI. SIDDIQ HUSSAIN KHAN, ADVOCATE)

AND:

NATIONAL INVESTIGATION AGENCY
BRANCH OFFICE,
3RD FLOOR, BSNL TELEPHONE EXCHANGE,
HAL 2ND STAGE, INDRA NAGAR,
BENGALURU - 560008

...RESPONDENT

(BY SRI. RAHUL KRISHNA REDDY P., ADV. FOR
SRI. PRASANNA KUMAR P., SPL. PP FOR RESPONDENT.)

THIS CRL.A IS FILED U/S 21 NIA BY THE PRAYING TO
ALLOW THE PRESENT APPEAL AND SET ASIDE THE IMPUGNED
ORDER DTD 21.08.2025 PASSED BY THE SPECIAL COURT IN
SPL.C.C.NO.22740/2023 FOR FIR BEARING RC.4/2023/
NIA/DLI TITLED IN THE COURT OF THE XLIX ADDL.CITY CIVIL
AND SESSIONS JUDGE AS NATIONAL INVESTIGATION AGENCY
VERSUS MOHD ARIF AND ETC.



THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ)

The appellant, being aggrieved by the order dated 21st August, 2025 passed by the Court of XLXI Additional City Civil and Sessions Judge (Special Court for the trial of NIA Cases) at Bengaluru in SC No.2274 of 2023, thereby dismissing his application filed under Section 439 of Code of Criminal Procedure, has preferred this appeal under Section 21(4) of National Investigation Agency Act, 2008.

2. Appellant is seeking to set aside the impugned order and to grant him bail in FIR bearing RC-04/2023/NIA/DLI registered by the respondent-National Investigation Agency.

3. One of the grounds urged in the appeal is that the appellant is languishing in judicial custody since 12th February, 2023, which is nearly three and a half years and



the trial is at a preliminary stage and is not likely to conclude in the near future. The learned Counsel would also contend that in the evidence of one of the witnesses by name Naveen Kumar, examined as PW3 before the trial Court, certain material favourable to the appellant has emerged which would prove his innocence and therefore the further incarceration of the appellant would serve no useful purpose and is not warranted.

4. Learned Special Public Prosecutor appearing for the respondent-NIA has filed a detailed statement of objection contending that the charges are already framed in this case holding that there are sufficient material against the appellant to proceed against him and the appeal preferred against the said order is also dismissed by this Court in Criminal Appeal No.1073 of 2025 dated 09th December, 2025. The Spl.PP has also disputed the date of arrest contending that the appellant was taken under body warrant in this case on 26th April 2023 and not on 12th February, 2023.



5. In light of the submission of the learned counsel for the appellant that in the evidence of the witness by name Naveen Kumar, examined as PW3 certain material in favour of the appellant has emerged proving his innocence, and that being a subsequent event, this Court is of the considered opinion that the appellant can be given an opportunity to file a fresh application for bail before the trial Court raising all contentions, including the ground of delay in trial.

6. Criminal appeal is **disposed of**. This Court has not expressed any view on the merits of the case.

All the contentions of the parties are kept open.

IA.III of 2026 is disposed of.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(G BASAVARAJA)
JUDGE