



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1129 OF 2022 (21(NIA))

BETWEEN:

STATE OF KARNATAKA
BY MANGALURU EAST POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.

...APPELLANT

(BY SRI. RAHUL RAI K., HCGP (PH))

AND:

MAAZ MUNEE AHMED
@ MAAZ @ MUNEE
S/O MUNEE AHMED,
AGED ABOUT 21 YEARS,
R/AT 801, 8TH FLOOR,
PRESIDENCY AVENUE APARTMENT,
MANGALURU-575 008.
PERMANENT R/AT NO.23, SOPPU GUDDE,
FISH MARKET ROAD, THIRTHAHALLI,
SHIVAMOGGA-577 432,
KASABA BENGALURU,
MANGALURU.

...RESPONDENT

(BY SRI. MUZAFFAR AHMED, ADVOCATE (PH))



THIS CRL.A IS FILED U/S 21(4) OF NIA ACT, PRAYING TO: (A) SET ASIDE THE ORDER DATED 06.02.2021 PASSED IN CRL.MISC.NO.110/2021 ON THE FILE OF THE COURT OF IV ADDL. DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU, GRANTING BAIL TO THE ACCUSED-RESPONDENT IN CR.NO.104/2020 OF MANGALURU EAST POLICE STATION, REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 3 AND 5 OF KARNATAKA OPEN PLACE (PREVENTION OF DISFIGUREMENT) ACT AND SECTION 153(A) OF INDIAN PENAL CODE; (B) DIRECT THE COMPLAINANT POLICE TO ARREST THE ACCUSED - RESPONDENT AND COMMITTED TO CUSTODY.

THIS APPEAL, COMING ON FOR ORDERS, 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 State has preferred this appeal under Section 21(4) of NIA Act, praying to set aside the order dated 06.02.2021 passed by the Court of the IV Additional District and Sessions Judge, D.K., Mangaluru in Criminal Misc No.110/2021, whereby the application filed by the respondent/accused under Section 439 of Cr.P.C was



allowed and he was enlarged on bail in a case registered in Crime No 104/2020 of Mangaluru East Police Station.

2. It is alleged by the prosecution that on 26.11.2020 between 10.00 p.m. to 06.45 a.m., some unknown persons made a writing on the compound wall of one Ventura Apartment, Mangaluru as 'Do Not Force us to invite Lashkar-e-Taiba and Taliban to deal with Sanghis and Manvedis/Lashkar Zindabad'. It is alleged that the said writing on the wall was with an intention to provoke the community feeling.

3. Case was registered against unknown persons for the offence punishable under Section 153(A) of IPC and Sections 3 and 5 of the Karnataka Open Place (Prevention of Disfigurement) Act, 1981.

4. The learned High Court Govt. Pleader would contend that the allegations are serious in nature and therefore, the learned Sessions Judge was not justified in enlarging the accused on bail. He further contented that during the



course of investigation, Section 13 and 39 of the UA (P) Act were invoked and further that the accused, after his release on bail, indulged in committing one more offence and therefore, he has violated the bail conditions. He has therefore contented that this is a fit case wherein the bail granted to the accused has to be set aside.

5. Admittedly, the case was registered for the offence punishable under Section 153A of IPC and Section 3 and 5 of the Karnataka open place (Prevention of Disfigurement) Act, 1981 and that time provisions under the UA (P) Act was not invoked. The learned Sessions Judge while deciding the bail application has taken into consideration the punishment prescribed for the above offences. It is observed that the alleged offences are not punishable with death or imprisonment for life, and following the verdicts of the Hon'ble Supreme Court and this Court, enlarged the accused on bail.

6. It is submitted by the learned High Court Government Pleader that now, in view of invocation of



provisions under the UA (P) Act, the case has been transferred to the Special Court dealing with NIA cases. It is not in dispute that the accused was enlarged on bail by the learned Sessions Judge on 06.02.2021. At the time of filing this appeal, it was not alleged that the appellant has violated the bail conditions, by indulging in similar offences etc. It is open for the State to file necessary application before the Special Court seeking cancellation of bail, in case the accused has violated the bail conditions, subsequent to his release on bail.

With the above observation, appeal is ***dismissed***.

IA No.1/2026 is dismissed.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(G BASAVARAJA)
JUDGE