



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO.556 OF 2025 (21(NIA))

BETWEEN:

MR. MANSOOR PASHA
S/O. USMAN
AGE: 36 YEARS
RESIDENT OF NO.522, 2ND CROSS
PREMANAGARA SAKALESHPURA DISTRICT
HASSAN-573 134.

...APPELLANT

(BY SRI MOHAMMED TAHIR, ADVOCATE)

AND:

STATE BY
NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
REPRESENTED BY SPECIAL PUBLIC PROSECUTOR
OFFICE AT HIGH COURT COMPLEX
BENGALURU-560 001.

...RESPONDENT

(BY SRI PRASANNA KUMAR P., SPL.PP)

* * *

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21 OF THE NATIONAL INVESTIGATION AGENCY ACT, PRAYING TO ALLOW THE APPEAL BY SETTING ASIDE THE IMPUGNED ORDER DATED 24-6-2024 DISMISSING HIS PETITION UNDER SECTION 439 OF CR.P.C., 1973, IN SPL.C.NO.123 OF 2023 BELLARE POLICE STATION



IN CRIME NO.63 OF 2022, BY THE LEARNED XLIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (SPECIAL COURT FOR NIA CASES) CCH-50), AT BENGALURU AND GRANTING HIM BAIL SPL.C.NO.123 OF 2023 OF BELLARE POLICE STATION IN CRIME NO.63 OF 2022, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 302, 153(A), 120(B), 212 R/W 34 OF IPC, 1860, SECTIONS 16, 18, 18(A), 19, 20 OF UNLAWFUL ACTIVITIES (PREVENTION) ACT AND SECTION 25(1)(A) OF ARMS ACT, PENDING ON THE FILE OF THE LEARNED XLIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (SPECIAL COURT FOR TRIAL OF NIA CASES) (CCH-50), AT BENGALURU.

THIS CRIMINAL 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 VENKATESH NAIK T

ORAL JUDGMENT

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

This appeal is directed against the order dated 24.06.2024 passed by the Court of XLIX Additional City Civil and Sessions Judge (Special Court for trial of NIA cases) (CCH-50) at Bengaluru, in Spl.C.No.123 of 2023.

2. Vide impugned order, the Special Court has rejected the appellant's prayer for bail. This appeal is preferred under Section 21 of the National Investigation



Agency Act (for short, "NIA Act") read with Section 439 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C.") to set aside the impugned order and to enlarge the appellant on bail in a case arising out of Crime No.63 of 2022 of Bellare Police Station, registered by the NIA as RC-36/2022/NIA/DLI.

3. Heard learned counsel for the appellant and learned Special Public Prosecutor appearing for the respondent/NIA.

4. Learned Special Public Prosecutor has filed statement of objection to the appeal as well as to I.A.No.1 of 2025 seeking condonation of delay in preferring the appeal.

5. There is a delay of 220 days in preferring the appeal. I.A.No.1 of 2025 is filed under Section 5 of the Limitation Act, 1963, to condone the delay, supported by the affidavit filed by the brother of the appellant.



6. In the affidavit it is stated that the appellant is in custody from the date of his arrest, i.e., 10.05.2024. There is no one in the family acquainted with the legal proceedings and legal matters. He was not able to access legal advice and take proper steps to file the appeal in time, in view of illiteracy and poverty. The delay in filing the appeal is not intentional or deliberate but due to *bona fide* reasons and unavoidable circumstances.

7. Having regard to the fact that the appellant is in custody and this appeal is preferred against dismissal of application for bail, we deem it appropriate to condone the delay, in the interest of justice, and to hear the appeal on merits.

8. Crime No.63 of 2022 came to be registered at Bellare Police Station, Dakshina Kannada, against 3 unknown persons for the offence punishable under Section 302 read with Section 34 of IPC, on a complaint lodged by one Madhu Kumar.



9. The first informant was working as a cleaner in one Akshaya Fresh Chicken Farm Shop in Mastikatte area of Bellare Village of Sullia Taluk. Deceased Praveen Nettaru, the owner of the shop, on 26.07.2022 at around 20.30 hours, after locking his shop, was about to go home on his motorcycle. At that time, it is alleged that the unknown persons have committed his murder and sped away in a Splendour bike.

10. During the course of investigation, Sections 16 and 18 of UA(P) Act, 1967, besides Section 120B of IPC, were invoked. Further, the investigation was taken over by the NIA and the case was re-registered as RC-36/2022/NIA/DLI under Sections 120B, 302 read with Section 34 of IPC and Sections 16 and 18 of UA(P) Act, 1967.

11. In the course of investigation, 14 accused were arrested and upon conclusion of the investigation, preliminary charge sheet was laid against 14 accused and



six absconding accused for the offences under Sections 302, 153(A), 120B, 212 read with Section 34 of IPC and Sections 16, 18, 18A, 19 and 20 of UA(P) Act and Section 25(1)(a) of the Arms Act. During further investigation, accused No.20 was apprehended and supplementary charge sheet was filed against accused Nos.20 and 21 for the offence punishable under Section 153(A) read with Section 34 of IPC, Sections 18, 18A and 20 of UA(P) Act. Thereafter, during the course of further investigation as against the absconding accused persons, accused No.26 was apprehended. Second supplementary charge sheet came to be filed against accused Nos.25 (appellant) and 26. Further, accused No.27 was arrested and third supplementary charge sheet was filed against accused Nos.22 to 24, 27 and 28.

12. Learned counsel for the appellant submitted that in this case the only allegation against the appellant/accused No.25 is that he has harboured an absconding accused by name Mustafa Paichar, i.e.,



accused No.4. He contended that, similarly placed accused Nos.26 and 27 are enlarged on bail. He submitted that accused No.26 has been enlarged on bail by the Apex Court and accused No.27 has been enlarged on bail by this Court.

13. The learned Special Public Prosecutor contended that accused Nos.5, 7, 13, 22 and 23 are still absconding and they are yet to be apprehended. He contended that having regard to the gravity of the offence and its interstate ramifications, the Government of India has entrusted the matter to NIA for investigation and proclamation has been published against accused No.4 and being fully aware of his status, the appellant has harboured him.

14. At this stage, the merits of the case need not be gone in detail as the prayer in the appeal is to enlarge the appellant on bail on the ground of parity, as similarly



placed accused Nos.26 and 27 are already enlarged on bail.

15. The learned Special Court was of the opinion that the appellant/accused No.25 knowingly harboured accused No.4, who is involved in the commission of a terrorist act and for this purpose, facilitated procurement of land to ensure that accused No.4 was not traced and he was in constant touch with accused No.26. Hence, observing that there is sufficient evidence to indicate the existence of a *prima-facie* case against the appellant and also there is a bar imposed under Section 43D(5) of UA(P) Act, dismissed the bail application.

16. The learned Special Public Prosecutor would contend that the investigation revealed that the accused, being the members of the Popular Front of India (PFI), with the sole intention to cause fear and threat in certain section of society, conspired to commit the murder of the deceased. The appellant, being a member of the said



organization and being in close contact with the other accused, is also involved in the commission of the offence.

17. The learned counsel for the appellant has made available a copy of the order passed by the Apex Court in SLP (Criminal) No.10759 of 2025 in respect of accused No.26. We have noticed that even against accused No.26, the allegations are that he has harboured accused No.4. It is useful to extract the relevant paragraph of the Hon'ble Apex Court:

"Certainly, the trial would take a substantial period of time to conclude, having regard to the number of witnesses to be examined alongwith the documents filed.

The allegation against the appellant, in a nutshell, is that he harboured the main accused.

Section 212 of the Indian Penal code, 1860 is a bailable offence.

Though we are not inclined to go into the issue as to whether the rigour under the UAPA would apply or not, we are inclined to allow the appeal by taking into consideration the specific allegation made against the appellant, coupled with the attending circumstances that the trial would take a substantial amount of time to conclude.



Accordingly, the impugned judgment and order is set aside and the appellant is granted bail on terms and conditions to the satisfaction of the concerned Trial Court."

18. Accused No.27 was enlarged on bail by this Court in Criminal Appeal No.521 of 2026 vide order dated 08.04.2026.

19. Having regard to the entire facts and circumstances of the case and in light of the order passed by the Hon'ble Apex Court granting bail to similarly placed accused, we are of the opinion that the appellant/accused No.25 is also entitled for bail on the ground of parity on the same terms and conditions. Hence the following:

ORDER

- i. The appeal is ***allowed***.
- ii. The order dated 24.06.2024 passed by the Court of XLIX Addl. City Civil and Sessions Judge (Special Court for trial of NIA cases) (CCH-50) at Bengaluru in Spl.C.No.123 of 2023 is ***set aside***.



iii. Appellant/accused No.25 is ordered to be released on bail subject to the same terms and conditions imposed as against accused No.26, to the satisfaction of the trial Court.

iv. I.A.No.1 of 2025 is ***allowed***.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE

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List No.: 1 SI No.: 5