HC-KAR

NC: 2026:KHC:17453-DB
CRL.A No. 425 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO. 425 OF 2026 (21(NIA))

BETWEEN:

1. PEER PASHA
   S/O LATE ABDUL MAZEED
   AGED ABOUT 38 YEARS,
   R/AT, NO. 827/B, 14TH CROSS,
   NEAR FARIDA SHOE FACTORY,
   GOVINDPURA MAIN ROAD, AC POST,
   BANGALORE-5600 045.

2. FIROZ PASHA
   S/O LATE ALLABAKSHA
   AGED ABOUT 51 YEARS,
   R/AT, NO.536, 9TH CROSS,
   UMAR NAGAR, GOVINAPURA
   BANGALORE - 560 045.

3. SHABBAR KHAN
   S/O NAWAB KHAN
   AGED ABOUT 41 YEARS,
   R/AT, AT NEAR QUBA MASJID,
   3RD CROSS, NEAR ANWAR LAYOUT,
   D.J. HALLI, BANGALORE - 560 045.

4. SHAIK AJMAL
   S/O SHAIK RIYAZ
   AGED ABOUT 38 YEARS,
   R/AT, NO.62, 12TH CROSS,
   VINOBHA NAGAR, PILLANNA GARDEN,
   KG HALLI, BANGALORE-560 045.

Digitally signed by LAKSHMI T
Location: High Court of Karnataka

5. MUHAMMED MUDASSIR KALEEM
S/O MOHAMMED KALEEM AHMED,
AGED ABOUT 31 YEARS,
R/AT, NO.401, 4TH FLOOR,
HONEY ENCLAVE NEAR PETROL BUNK,
SHAMPURA ROAD, GANDHINAGAR,
K.G. HALLI, BANGALORE-560 045.

6. IMRAN AHMED
S/O NAZEER AHMED
AGED ABOUT 45 YEARS,
R/AT, NO.702, 1ST MAIN,
3RD CROSS, B STREET,
VINOBHA NAGAR, KG HALLI,
BANGALORE-560045.

7. MOHAMMED AZHAR
S/O MOHAMMED SHAUKAT
AGED ABOUT 32 YEARS,
R/AT, NEAR NARENDRA THEATRE,
HBR LAYOUT,
BANGALORE-560 043.

…APPELLANTS

(BY SRI. MOHAMMED TAHIR, ADVOCATE)

AND:

NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS,
BRANCH OFFICE, BENGALURU,
REPRESENTED BY ITS SUPERINTENDENT OF POLICE,
#3RD FLOOR, BSNL TELEPHONE EXCHANGE,
HAL 2ND STAGE, INDIRANAGAR,
BANGALORE - 560 008.

…RESPONDENT

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

THIS CRL.A IS FILED U/S 21(4) OF NIA ACT 2008 PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 16.02.2026 AT ANNEXURE-A PASSED BY THE HONBLE XLIX

ADDL.CITY CIVIL AND SESSIONS JUDGE (SPL.JUDGE FOR TRIAL OF NIA CASES) CCH-50 AT BENGALURU IN SPL.C.C.NO.141/2021 ARISING FROM RC-35/2020/NIA/DLI WHEREIN THE APPELLANTS ARE ARRAYED AS ACCUSED NO.5,7,12,13,20,22 AND 23 AND GRANT REGULAR BAIL TO APPELLANTS/ ACCUSED NO.5,7,12,13,20,22,23 IN SPL.C.C.NO.141/2021 ARISING FROM RC-35/2020/NIA/DLI UNDER SEC.120B,143,145,147,188,353 AND 427 AND R/W 34 AND 149 OF THE IPC 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 VENKATESH NAIK T

ORAL JUDGMENT

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

The appellants are praying to set aside the impugned order dated 16.02.2026 at Annexure-A passed by the Court of XLIX Additional City Civil and Sessions Judge, (Special Judge for trial of NIA CASES), (CCH-50) Bengaluru, in Spl.CC.No.141/2021 arising out of RC-35/2020/NIA/DLI and consequently, to enlarge them on bail.

2. Vide impugned order, the Special Court has rejected the prayer for bail of accused Nos.1, 5, 7, 12, 13, 20 to 23. Appellants are accused Nos.5, 7, 12, 13, 20, 22 and 23 respectively.

3. Heard the learned counsel for appellants and the learned Spl.PP and perused the material on record including the impugned order passed by the Special Court.

4. The learned Spl.PP has filed statement of objections opposing the prayer for bail.

5. The appellants along with other accused are charge sheeted for the offences punishable under Section 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 and Section 120B, 143, 145, 147, 188, 353 and 427 read with Section 34 and 149 of IPC, 1980 and Section 2 of the Prevention of damage to public property Act, 1981.

6. The Special Court has rejected the prayer for bail, holding that the charge sheet material show that there are reasonable grounds to believe that the accusation made against

the appellants are *prima-facie* true and also on the ground that earlier bail applications are rejected by this Court.

7. It is not disputed by the learned Spl.PP that subsequently, accused Nos.3, 4, 6, 11, 24 and 25 are granted bail in SLP.No.3002/2026, SLP.No.3777/2026, SLP.No.014302/2025, SLP.No.017070/2025, SLP.No.11626/2025 and SLP.No.017354/2025 respectively by the Hon'ble Apex Court. Accused No.19 was granted bail by this Court in Crl.A.No.1722/2025. The copies of the orders passed in respect of the above accused are furnished by the learned counsel for appellants.

8. At annexure-F, learned counsel for appellants has furnished a copy of the bail order passed by the Hon'ble Apex Court in SLP.(Crl.)No.11626/2025 dated 07.10.2025 and, at annexure-F1 a copy of the order passed by the Hon'ble Apex Court in SLP.(Crl.)No.17354/2025 dated 28.01.2026. It is relevant to extract paragraph Nos.3 to 6 of the order passed in SLP.(Crl).No.11626/2025 as under:-

> *"3. The appellants have been arrayed as accused for the offence punishable under Sections 143, 147, 148, 353, 333, 332, 436, 427 and 149 of the Indian*

Penal code, 1860 and under Sections 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 and Section 2 of the Prevention of Destruction and Loss of Property Act, 1981.

4. We have perused the charges framed. The appellants have been under incarceration for more than five years. There are 254 witnesses to be examined. The appellants are two amongst the 138 accused persons.

5. Taking note of the aforesaid facts, we have no hesitation in setting aside the impugned order(s) and grant bail to the appellants.

6. Accordingly, the impugned order(s) stand set aside and the appellants are granted bail, subject to the terms and conditions that may be imposed by the Trial Court."

9. The incident took place on the night intervening 11/12-08-2020. Charges are framed on 21.05.2025. There are 254 witnesses cited in the charge sheet. As on today, the trial has not commenced.

10. Undisputedly, the appellants are similarly placed as the accused who are already enlarged on bail by the Hon'ble Apex Court as well as by this Court. Appellants are in custody for more than 5 years.

11. Considering the above aspects and the fact that similarly placed accused are enlarged on bail by the Hon'ble Apex Court as well as by this Court, we deem it appropriate to

extend the said benefit to these appellants as well. Hence, the relief sought in the appeal can be granted with appropriate conditions. Accordingly, the following:-

ORDER

i) The appeal is ***allowed***.

ii) Order dated 16.02.2026 is hereby set aside. The appellants / accused Nos.5, 7, 12, 13, 20, 22 and 23 in Spl.C.C.No.141/2021 pending on the file of the Court of XLIX Additional City Civil and Sessions Judge, (Special Judge for Trial of NIA Cases), (CCH-50), Bengaluru, arising from RC-35/2020/NIA/DLI shall be released on bail, subject to following conditions:-

i) They shall execute personal bond in a sum of Rs,1,00,000/- (Rupees One lakh only) ***each*** with two sureties for the likesum to the satisfaction of the trial Court.

ii) They shall not indulge in any criminal activities.

iii) They shall furnish their residential addresses proof.

iv) They shall not leave the country without prior permission of the trial Court.

v) They shall appear before the Court whenever requires physically / virtually.

Copy of the order shall be communicated to the trial Court and the concerned prison forthwith.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE

LDC
List No.: 1 Sl No.: 9