



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 520 OF 2026 (21(NIA))

BETWEEN:

MASUD SARDER @ MASUD
S/O ABDULA,
AGED ABOUT 35 YEARS,
R/AT #12, AYYAPPA LAYOUT,
MALLASANDRA,
BENGALURU NORTH-560 057.

...APPELLANT

(BY MISS ANKITA PATIL, ADVOCATE FOR
SRI. RAHAMATHULLA KOTHWAL, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY NATIONAL INVESTIGATION AGENCY
REPRESENTED BY SPL. P.P.,
HIGH COURT BUILDING,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. SACHIN C., ADVOCATE FOR
SRI. PRASANNA KUMAR P., SPL. PP)



THIS CRL.A IS FILED U/S 21(NIA), PRAYING TO:
(A) CALL FOR RECORD ON THE FILE OF THE XLIX ADDL., CITY CIVIL AND SESSION JUDGE AND SPECIAL COURT FOR NIA CASES, (CCH50) AT BENGALURU IN SPL.C.C.NO.187/2024;
(B) SET ASIDE THE IMPUGNED ORDER OF THE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPECIAL COURT FOR NIA CASES, (CCH 50) AT BENGALURU DATED 24/01/2026 AND GRANT BAIL TO THE APPELLANT IN RC-01/2023 IN SPL. C.C.NO.187/2024, INVESTIGATED BY NIA FOR THE OFFENCES UNDER SECTIONS 120B AND 370(3) OF IPC, SECTIONS 14, 14-A (b) AND 14-C OF FOREIGNERS ACT AND SECTION 3 OF THE PASSPORT (ENTRY INTO INDIA) ACT, 1920 R/W RULE 6 OF THE PASSPORT (ENTRY INTO INDIA) RULES, 1950.

THIS CRIMINAL APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 11.06.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV JUDGMENT

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

The Order dated 24.1.2026 passed by the Court of XLIX Additional City Civil and Sessions Judge (Special Court for the Trial of NIA cases) (CCH-50) at Bengaluru in Spl.C.No.187/2024 is assailed in this appeal preferred by



accused No.4 under Section 21(4) of the National Investigation Agency Act, 2008 (for short 'NIA' Act).

2. Vide impugned order, the Special Court has rejected the bail application filed by accused No.4 under section 439 of Cr.P.C. The said accused is seeking to set aside the impugned order and consequently to grant him bail.

3. We have heard learned counsel Ms.Ankita Patil for Sri Rahamthulla Kothwal, learned counsel for appellant, learned counsel Sri Sachin C. for Sri P.Prasanna Kumar, Spl.PP for respondent and perused the material on record.

4. Brief facts of the prosecution case:

A reliable information was received by the Central Government that certain entities based in Karnataka having linkages with facilitators and traffickers based in Assam, Tripura and Bangladesh, which are part of Transnational Human Trafficking Network, are involved in trafficking of persons of Bangladesh and Myanmar origin into India



through Indo-Bangladesh Border and the said accused were using fake identity documents and in touch with cadres of Proscribed Terrorists Organisations operating from across the border with an intent to facilitate infiltration of operatives and sympathizers of these organizations into India. It is further revealed that they would thereafter spread across India to form sleeper cells disguised as Indian Populous based on forged documents.

5. With the aforementioned information, the Government of India, Ministry of Home Affairs, CTCR Division, North Block, New Delhi, issued an Order under Section 6(5) r/w Section 8 of NIA Act, 2008 dated 7.11.2023, entrusting the investigation to the NIA. Consequently, RC-01/2023/NIA/BLR was registered on 7.11.2023 for the offences under Section 120B, 370, 465 and 471 of IPC and Section 18 of Unlawful Activities (Prevention) Act, 1967 for short UA(P) Act.

6. Final Report came to be filed against accused Nos.1 to 12 and supplementary chargesheet was filed



against accused Nos.13 and 14, for offences punishable under Section 120B & 370(3) of IPC, Section 14, 14A(b) & 14C of Foreigners Act, and Section 3 of the Passport (Entry into India) Act, 1920 r/w Rule 6 of the Passport (Entry into India) Rules, 1950.

7. The charges against the appellant/accused No.4 in the chargesheet are as under:

Masud(A-4) is a Bangladeshi national who illegally entered India without valid documents around 10 years ago and worked as garbage segregator and further he started his own garbage collection godown in Mallasandra area of Bengaluru city. He had fraudulently obtained Indian identity cards such as PAN card and Aadhar Card. Further on being approached for job in India by Bangladeshi nationals, accused Masud(A-4) collected money from these Bangladeshi nationals and with the assistance of agents/touts in the Indo-Bangladesh border, near Benapole of Bangladesh, trafficked the Bangladeshi nationals into India, with the false promise of providing



them jobs in India with valid Indian documents. Once trafficked into India, these trafficked Bangladeshi nationals were confined in godowns and subjected to hard labour for meagre wages by accused Masud (A-4), by threatening them of arrest by Indian Police.

8. Appellant was arrested on 8.11.2023 (as per chargesheet). His bail application filed in Crl.Misc.No.2860/2024 was rejected by the learned Sessions Judge on 8.4.2024. Crl.A.No.1216/2024 preferred against the said order was dismissed by this Court on 26.9.2024. While dismissing the said appeal, this Court directed the trial Court to expedite the trial.

9. The appellant preferred one more application under Section 439 of Cr.P.C. to enlarge him on bail and the Special Court, vide impugned Order has rejected the prayer holding that there is a prima facie case against him and he has not pleaded any change in the fact situation or in law to file the bail application after rejection of his earlier bail application. It is further observed by the



Special Court that the only changed circumstance pleaded in the application is that accused Nos.6 is granted bail and thereby claiming parity, but the said ground is not available to accused No.4 since accused No.6 stands on different footing.

10. Assailing the impugned order, the learned counsel for appellant contended that the learned Special Judge has erred in holding that there is no changed circumstances, while dismissing the bail application. She contended that while filing chargesheet, Section 18 of UA(P) Act has been dropped. Similarly placed accused Nos.3, 6 and 14 are granted bail, which entitles the appellant to be enlarged on bail on the ground of parity, whereas he is under a prolonged incarceration. She further contended that the appellant is innocent of the allegations made against him, he is an Indian citizen by birth, which is evident from the documents now furnished at Annexures-J to N and P. She further contended that this Court while dismissing the appeal vide order dated



26.9.2024 has directed the trial Court to expedite the trial keeping in view the life and liberty and the right to speedy justice, however, as on today the trial is not concluded.

11. The Spl.PP by filing statement of objections contended that this Court has already rejected appellant's prayer for bail and grant of bail to the co-accused is not a ground to enlarge the appellant on bail, since the documents now furnished by him in proof of his domicile has been found to be not genuine. He contended that adequate materials are collected indicating the involvement of the accused in the commission of the offence for which he is chargsheeted. He, therefore sought to dismiss the appeal.

12. To claim parity, the learned counsel for the appellant has relied on the orders passed by this Court as well as the Hon'ble Apex Court, wherein accused Nos.3,6 and 14 are granted bail. Accused No.14 was granted bail by this Court in CrI.A.No.325/2025 dated 17.9.2025, Accused Nos.3 and 6 were granted bail by the Apex Court



in petition for Spl. Leave to appeal (Crl.)No.5567/2026 dated 8.5.2026 and Spl. Leave to appeal (Crl.)No.17376/2024 dated 20.5.2025.

13. It is relevant to mention that Accused No.14 was granted bail by this Court in view of grant of bail to accused No.6 by the Apex Court wherein, the Hon'ble Apex Court has observed that the said accused who has an industrial establishment in Bengaluru, does not seem to be a flight risk and therefore, his indefinite incarceration might not serve any fruitful purpose.

14. Insofar as accused No.3 is concerned, the Apex Court granted him bail having regard to the period he has already spent in custody and also taking into consideration grant of bail to accused No.6 in SLP (Crl.) No.17376/2024.

15. The case of appellant/accused No.4 stand on a different footing and therefore, parity is not applicable to him. The appellant has relied on certain documents such as copies of Birth Certificate, Aadhar Card of the



appellant's father, Passport, Voter ID, Pan Card of the appellant's father etc., to contend that the allegations against him are false and he is an Indian citizen by birth.

16. The learned Spl.PP in his objection has categorically stated that the documents furnished in support of appellant's claim are not genuine. It is stated, the respondent-NIA had requested the concerned office at Dhubri, Government of Assam, to verify the document at Annexure-J and it is informed that the birth certificate relied upon by the appellant is not found in the register. Hence, it is contended that the appellant has relied on false and fabricated documents. Annexures-R1 to R4 are relied upon in support of the said contention.

17. Having regard to the above facts and circumstances, we are of the view that appellant is not entitled to bail on the ground of parity. Further, considering the material on record, there exists a flight risk if the appellant is enlarged on bail. Appeal therefore fails and is accordingly **dismissed**.



18. None of the observations made in the order shall influence the trial Court. Trial be expedited, keeping in view the earlier direction of this Court.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

**Sd/-
(G BASAVARAJA)
JUDGE**

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List No.: 1 Sl No.: 31