



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 566 OF 2026 (21(NIA))

BETWEEN:

1. MR. FAIROZ PASHA
AGED ABOUT 42 YEARS,
S/O ANWAR BASHA,
R/O NO.155, 4TH MAIN,
KOUSAR NAGAR, RT NAGAR,
BENGALURU 32
PRESENT ADDRESS: NO. 27,
3RD CROSS, KOUSAR NAGAR,
DINNUR, RT NAGAR,
BENGALURU-32.

...APPELLANT

(BY SRI. RAHAMATHULLA KOTHWAL., ADVOCATE)

AND:

1. NATIONAL INVESTIGATION AGENCY,
BENGALURU,
REPRESENTED BY ITS SPECIAL PP,
HIGH COURT OF KARNATAKA,
BENGALURU.

...RESPONDENT

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



THIS CRL.A IS FILED U/S 21(4)(NIA) BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE ORDER DATED 16.02.2026 PASSED BY THE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE, [SPECIAL COURT FOR TRIAL OF NIA CASES], (CCH-50) AT BENGALURU IN SPL. C.C. NO.141/2021 VIDE ANNEXURE-A AND ENLARGE THE APPELLANT/ACCUSED NO.1 ON BAIL IN SPL C.NO. 141 OF 2021 PENDING IN THE COURT OF XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE, [SPECIAL COURT FOR TRIAL OF NIA CASES], (CCH-50) AT BENGALURU FOR OFFENCES PUNISHABLE UNDER SECTIONS 153A, 120B, 143, 145, 147, 188, 353 AND 427 READ WITH SECTIONS 34 AND 149 OF THE IPC, SECTIONS 16, 18 AND 20 OF THE UAP ACT, 1967, AND SECTION 2 OF THE PREVENTION OF DESTRUCTION AND LOSS OF PROPERTY ACT, 1981.

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 arraigned as accused No.1 in the charge sheet filed by the respondent/NIA, has preferred this appeal under Section 21(4) of the National Investigation Agency Act, 2008, praying to set aside the order dated 16.02.2026 passed by the XLIX Additional City Civil and Sessions Judge, [Special Court for the Trial of



NIA Cases], (CCH-50) at Bengaluru in Spl.C.No.141/2021 and consequently to enlarge him on bail.

2. Heard learned counsel for the appellant and learned Special Public Prosecutor for respondent/NIA and perused the materials on record.

3. The respondent/NIA has filed the statement of objection opposing the prayer made in the appeal.

4. It is the case of the prosecution that, on 11.08.2020 at around 23:00 hours, a mob of around 600-800 persons gathered near K.G.Halli Police Station, armed with dangerous weapons, agitating against one Naveen who had posted a blasphemous comment against Prophet Mohammed on his Facebook account. The said mob shouted unparliamentary words and tried to attack the police with dangerous weapons and when the police tried to stop them from entering the police station, the accused in the mob burnt the police vehicles parked in the premises of the police station etc.



5. Case was registered in Crime No.229/2020 of K.G.Halli Police Station. Investigation was taken over by the NIA and registered as R.C.No.35/2020/NIA/DLI. On completion of the investigation, charge sheet came to be filed against accused 1 to 138 for the offences punishable under Sections 143, 147, 148, 353, 333, 332, 436, 427 and 149 of the Indian Penal Code, 1860; Sections 15, 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 (for short 'the UA(P) Act') and Section 4 of the Prevention of Damage to Public Property Act, 1984.

6. The Special Court rejected the bail application on the ground that in pursuance of the conspiracy and posting of certain video in the News Channel and Facebook account which is derogatory, the appellant committed a terrorist act leading to large scale destruction of police station building, government and private vehicles and the charge sheet materials show that there are reasonable grounds to believe that allegations made against him are *prima facie* true. The bail petition was



also rejected on the ground that the offences alleged against the appellant/accused No.1 are serious in nature and there is a bar under Section 43D(5) of UA(P) Act to grant bail.

7. In this case, the charge sheet is filed against 138 accused and out of them, the UA(P) Act is invoked against accused 1 to 24. The learned counsel for the appellant would submit that similarly placed accused who are also charged under the UA(P) Act, are enlarged on bail by this Court as well as by the Apex Court. Therefore, he submits that the appellant is also entitled for bail on the ground of parity.

8. We have considered the material on record and the allegations against the appellant. The allegations have to be proved in due course. It is not in dispute that the other accused who are also charged under the UA(P) Act, are enlarged on bail. Copy of the bail orders are furnished. This Court in Crl.A.No.1722/2025 vide order



dated 14.10.2025 has enlarged accused No.19 on bail. Accused Nos.5, 7, 12, 13, 20, 22 & 23 were enlarged on bail by this Court in Crl.A.No.425/2026 vide order dated 26.03.2026. Accused Nos.15 and 21 were granted bail by this Court in Crl.A.No.530/2026 and 586/2026 vide orders dated 16.04.2026 and 21.04.2026 respectively. Further, the Apex Court has granted bail to accused Nos.6, 11, 24 & 25 in SLP(Crl.)No.14302/2025, Crl.A.No.529/2026 [SLP(Crl.)No.17070/2025; SLP(Crl.)No.11626/2025 and Crl.A.No.528/2026 [SLP(Crl.)No.17354/2025, vide orders dated 07.10.2025 and 28.01.2026 respectively.

9. There are 254 witnesses cited in the charge sheet. The appellant was arrested on 12.08.2020 and he is in judicial custody for more than 5½ years.

10. In the given facts and circumstances and on the ground of parity, the prayer of the appellant for bail can be considered. Accordingly, the following:



O R D E R

- i) Appeal is **allowed**;
- ii) The order dated 16.02.2026 passed by the XLIX Additional City Civil and Sessions Judge, [Special Court for the Trial of NIA Cases], (CCH-50) at Bengaluru in Spl.C.No.141/2021, is hereby set aside;
- iii) The appellant/accused No.1 is ordered to be released on bail, subject to following conditions:
 - (a) He shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of the trial Court.
 - (b) He shall furnish proof of his residential address and shall inform the Court, if there is any change in the address.



- (c) He shall not indulge in tampering the prosecution witnesses either directly or indirectly.
- (d) He shall not leave the jurisdiction of the Court without prior permission till disposal of the case.
- (e) He shall co-operate with the trial Court in disposal of the case by regularly appearing before the Court and his exemption from appearance shall be subject to the satisfaction of the trial Court.

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

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