



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO. 586 OF 2026 (21(NIA))

BETWEEN:

MR. NAQEEB PASHA
AGED ABOUT 29 YEARS,
S/O MOHAMMED RAHAMATHULLA H.,
R/O NO.# 41, 9TH MAIN, OPP K.E.B.
PILLANA GARDEN, 3RD STAGE,
BENGALURU (NSUNMDS)-45.

...APPELLANT

(BY SRI. RAHAMATHULLA KOTHWAL, ADVOCATE (P/H))

AND:

NATIONAL INVESTIGATION AGENCY
BENGALURU,
REPRESENTED BY
SPECIAL PUBLIC PROSECUTOR.

...RESPONDENT

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

THIS CRL.A IS FILED U/S 21(4) NIA PRAYING TO: (A)
CALL FOR ENTIRE RECORDS IN SPL.C.NO.141.2021 PENDING
ON THE FILE OF THE XLIX ADDL. CITY CIVIL & SESSIONS
JUDGE-CUM-SPECIAL COURT FOR NIA CASES, BENGALURU;
(B) ALLOW THIS CRIMINAL APPEAL AND SET ASIDE THE
ORDER DATED 16.02.2026 PASSED BY THE LXIX ADDL. CITY
CIVIL AND SESSIONS JUDGE, (SPECIAL COURT FOR TRIAL OF



NIA CASES), (CCH-50) AT BENGALURU IN SPL.C.NO.141/2021 VIDE ANNEXURE-A AND ENLARGE THE APPELLANT/ACCUSED NO.21 ON BAIL IN SPL.C.NO.141/2021 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 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 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)

Appellant/accused No.21 on the file of the Court of XLIX Additional City Civil and Sessions Judge (Special Court for NIA cases) (CCH-50) at Bengaluru in Spl.C.No.141/2021, is before this Court in this appeal preferred under Section 21 (4) of the NIA Act, 2008, seeking to set aside the order dated 16.02.2026 passed by the Special Court and consequently to enlarge him on bail.



2. Vide impugned common order, the Special Court has rejected the bail application filed by appellant/accused No.21 and other accused.

3. We have heard the learned counsel for the appellant, learned Special Public Prosecutor appearing for the State and perused the material available on record.

4. Learned Special Public Prosecutor has filed statement of objections.

5. It is the case of prosecution that on 11.08.2020 at around 08.45 p.m., a group of 25 to 30 people gathered in front of Kadugondanahalli Police Station and started shouting slogans demanding arrest of one Naveen on the ground that he had posted certain derogatory remarks on Facebook against the Prophet Mohammed. A group of people under the leadership of accused No.14 and others entered the Police Station demanding registration of a case against him and said mob agitated in front of the Police Station and became violent and intensified their



protest by shouting slogans against the police. They started pelting stones and attacked the police with wooden sticks, iron rods etc., and set ablaze vehicles etc. Initially, the case was registered in Crime No.229/2020 at K.G.Halli Police Station and later the NIA took over investigation and filed final report for the offences under Section 120B, 143, 145, 147, 188, 353, 427 r/w Section 34 and 149 IPC and Section 16, 18 and 20 of UA (P) Act and Section 2 of Prevention of Destruction and Loss of Property Act, 1981.

6. The Special Court vide impugned order has rejected the prayer seeking bail, on the ground that it has already rejected the bail applications of the accused holding that there are sufficient material on record and reasonable grounds to believe that the accusation made against the accused is prima facie true. Further, even this Court has refused to grant bail to the accused persons and the Apex Court has also dismissed their bail applications, confirming the order passed by this Court. Bail is rejected



even on the ground of restriction under Section 43D (5) of UA (P) Act.

7. The Learned counsel for appellant submits that this Court as well as the Hon'ble Apex Court has subsequently granted bail to the co-accused, who are similarly placed as the appellant herein and therefore on the ground of parity, the appellant is also entitled for bail. The learned counsel has made available the copies of the order passed by the Apex Court as well as this Court granting bail to similarly placed accused.

8. Learned Special Public Prosecutor contended that the appellant herein along with other accused has set ablaze an Innova car parked nearby K.G.Halli Police Station and this accused captured the photos of the burning Innova vehicle in his mobile phone and shared with others through WhatsApp.

9. From the charge sheet, we find that the allegations of setting ablaze an Innova car is attributed



against accused Nos.19 to 25. As per the orders of the Apex Court and this Court, we find that 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 is granted bail by this Court in Crl.A.No.1722/2025.

10. Paragraph Nos.3 to 6 of the order passed in SLP (Crl) No.11626/2025 dated 07.10.2025 are extracted hereunder.

- "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."*

11. The incident took place on the night intervening 11/12.08.2020. The charges are framed on 21.05.2025. There are 254 witnesses cited in the charge sheet. As on today the trial has not commenced in this case.

12. Undisputedly, the appellant is similarly placed as the accused who are already enlarged on bail by the Hon'ble Apex Court as well as by this Court. He was arrested on 21.12.2020 and under incarceration for more than 5 years.

13. In the facts and circumstances, appellant has made out a case to allow the appeal. Accordingly, the following:



ORDER

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

ii) Order dated 16.02.2026 passed in Spl.C.No.141/2021 on the file of the Court of XLIX Additional City Civil and Sessions Judge, (Special Judge for Trial of NIA Cases), (CCH-50), Bengaluru, is hereby set aside. The appellant/accused No.21 shall be released on bail, subject to following conditions:-

- i) He shall execute a personal bond in a sum of Rs,1,00,000/- (Rupees One lakh only) with two sureties for the likesum to the satisfaction of the trial Court.
- ii) He shall not indulge in any criminal activities.
- iii) He shall furnish his residential addresses proof.
- iv) He shall not tamper the prosecution witnesses, either directly or indirectly.



- v) He shall not leave the country without prior permission of the trial Court.
- vi) He 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.

I.A.No.1/2026 is dismissed as not pressed.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE