



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. 679 OF 2026 (A)

BETWEEN:

MR. MAHAMMAD JABIR
@ MOHAMMED JABIR
@ JABIR ARIYADKA
S/O LATE SADUNCHI,
AGED ABOUT 44 YEARS,
R/O SHEKHAMALE HOUSE,
PUTTUR TALUK, ARIYADKA,
DAKSHINA KANNADA-574 223.
ALSO R/O APARTMENT NO.101,
BEHIND KH ENTERPRISES,
KUMBRA, OLAMUGURU VILLAGE,
PUTTUR TALUK,
DAKSHINA KANNADA-574 223.

...APPELLANT

(BY SRI. MOHAMMED TAHIR, ADVOCATE)

AND:

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



REPRESENTED BY ITS
SUPERINTENDENT OF POLICE.

...RESPONDENT

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

THIS CRL.A IS FILED U/S 21(NIA), PRAYING TO SET ASIDE THE ORDER DATED 16/02/2026 PASSED BY THE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE, (SPECIAL JUDGE FOR TRIAL OF NIA CASES), (CCH-50), BENGALURU IN SPL.C.NO.123/2023 AT ANNEXURE-A AND CONSEQUENTLY GRANT THE INTERIM BAIL FOR A PERIOD OF 3 MONTHS TO APPELLANT/ACCUSED NO.21 IN SPL.C.NO.123/2023 UNDER SECTIONS 120B, 153A, 302 R/W 34 OF IPC AND SECTION 18, 18A AND 20 OF UA (P) ACT, 1967, PENDING IN THE FILES XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE, (SPECIAL JUDGE FOR TRIAL OF NIA CASES), (CCH-50), BENGALURU.

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 is before this Court in this appeal preferred under Section 21(4) of the National Investigation Agency Act, 2008, praying to set aside the order dated 16.02.2026 passed by the Court of XLIX Additional City Civil and Sessions Judge (Special Court for the trial of NIA



cases) at Bengaluru in Spl.C.No.123/2023 and to grant him interim bail for a period of 3 months.

2. We have heard the learned counsel for appellant, learned Special Public Prosecutor for respondent/NIA and perused the material on record.

3. The appellant is arraigned as accused No.21 in the supplementary charge sheet filed by the respondent-NIA wherein, the case is pending in Spl.C.No.123/2023 before the Special Court for trial of NIA cases. Charge sheet is filed against 28 accused. Appellant is chargesheeted for offences punishable under Section 120B, 153A, 302 r/w 34 of IPC, Sections 16, 18 and 20 of Unlawful Activities (Prevention) Act, 1967 for short UA(P) Act, 1967 and Section 25(1)(a) of Arms Act, 1959. Accused Nos.5, 7, 13, 22 and 23 are absconding and accused No. 28 is reported to be dead.

4. The appellant filed an application under Section 439 of Cr.P.C. before the Special Court to grant him bail



for a limited period of 90 days on the ground that the health condition of his mother is very critical and she requires immediate Total Knee Replacement (TKR) Surgery. The Special Court has rejected the said application vide impugned order, taking into consideration the nature of offence and in view of invocation of the UA(P) Act, holding that there is a bar under Section 43D(5) of the said Act to grant bail on any ground.

5. The learned Spl. Public Prosecutor (Spl.PP) appearing for respondent-NIA has opposed the prayer seeking bail by filing statement of objections. He contended that the appellant's prayer for bail has been rejected by this Court as well as the Hon'ble Apex Court and in the present case, several accused are still absconding and in view of the nature and gravity of the offence and prima facie case against the petitioner, he is not entitled for bail even on the ground he has sought in the instant appeal.



6. The learned counsel for the appellant would submit that the appellant's earlier application was for statutory bail and now bail is sought on the ground of severe health condition of appellant's mother. He submitted that the appellant's mother has been diagnosed with severe osteoarthritis of both the knees and she is unable to perform basic daily activities and in fact the orthopedic surgeons have advised Total Knee Replacement (TKR) Surgery and as there is no male family members to attend, assist or accompany her during the course of surgery, hospitalisation and rehabilitation, the surgery could not be conducted. He submits that the appellant is the only son to his mother and if the prayer sought in the appeal is granted for a limited period, no prejudice will be caused to the prosecution.

7. The learned counsel for the appellant has relied on the decision of the Hon'ble Apex Court in the case of **Syed Sulaiman @ Tenkasi v. State of Karnataka** (Special Leave to Appeal (Crl.) No.2889/2026) dated



16.4.2026 and **Waseem Ahmed @ Wasim v. National Investigation Agency**, (Special Leave to Appeal (Crl.) No.3746/2026) dated 4.5.2026 to contend that under similar circumstances, indulgence was shown to the accused and bail was granted.

8. In view of the grounds urged, merits of the case need not be gone into, as bail is sought for a limited period on account of the ill-health of appellant's mother and need to attend to her medical care. It is stated that the appellant's mother has been diagnosed with severe osteoarthritis in both the knees, resulting in severe pain, functional mobility and she has been advised for immediate Total Knee Replacement (TKR) surgery. The medical documents pertaining to appellant's mother are produced at Annexure-D. It is seen that she has been suggested surgery of TKR.

9. It is submitted that the appellant is the only son to his mother and though she was advised to undergo surgery on 01.09.2025, till today the surgery has not been



conducted as there is no other male member to look after her and to attend, assist or accompany her during the course of surgery, hospitalisation and rehabilitation.

10. In view of the above and on humanitarian consideration, we are inclined to allow the prayer made in the appeal as we find that the Apex Court in similar circumstances in the decisions noted supra has granted the relief by imposing conditions. Accordingly, we pass the following:

ORDER

- i. Appeal is **allowed**.
- ii. The Order dated 16.02.2026 passed by the Court of XLIX Additional City Civil and Sessions Judge (Special Court for the trial of NIA cases) at Bengaluru in Spl.C.No.123/2023 is **set aside**.
- iii. Appellant is ordered to be released on bail on his executing a bond in a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties for the likesum to the satisfaction of Special Court.



- iv. Appellant is granted interim bail for a period of 90 days and on expiry of 90 days from the date of his release, he shall surrender before the Special Court.
- v. He shall not tamper with the prosecution witnesses and shall furnish his residential address to the trial Court.
- vi. It shall be open to the respondent-NIA to maintain such appropriate surveillance if it has any apprehension of the appellant attempting to escape the rigours of law, once he is released from custody in terms of this order.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(G BASAVARAJA)
JUDGE