



CNR: KAHC010466832026

NC: 2026:KHC:43722-DB
CRL.A No. 1168 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE H.P.SANDESH

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.1168 OF 2026

BETWEEN:

1. MR. FIRDOUSH @ MD. FERDOUS BAPARI
@ FIRDOUS,
S/O MOKSED BAPARI,
AGED ABOUT 39 YEARS,
ADDRESS AS PER AADHAR CARD,
 - 1) R/AT NO.93, INDIRA GANDHI CAMP 2,
TAIMOOR NAGAR, SRINIWASPURI,
SOUTH DELHI, DELHI-110 065.
 - 2) PRESENT ADDRESS AT BENGALURU,
R/AT NO.70, OUTER RING ROAD,
DEVARABESANAHALLI, BELLANDUR,
BENGALURU - 560 103.
 - 3) PERMANENT ADDRESS:
PURBA KHOTTAKATA RAJAPURA,
SHORONKHOLA, BAGERHAT,
BANGLADESH.

...APPELLANT

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

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



**NC: 2026:KHC:43722-DB
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CNR: KAHC010466832026

AND:

1. THE STATE OF KARNATAKA,
BY NATIONAL INVESTIGATION AGENCY,
REPRESENTED BY SPECIAL PUBLIC PROSECUTOR,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. SACHIN C. ADVOCATE FOR
SRI. PRASANNA KUMAR P., SPECIAL PUBLIC PROSECUTOR)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(4) OF NIA ACT PRAYING TO ALLOW THE PRESENT APPEAL UNDER SEC.21(4) OF NIA ACT 2008 AND TO SET ASIDE THE ORDER DATED 12.06.2026 PASSED BY THE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE, SPL.COURT FOR NIA CASES, BENGALURU IN SPL.C.NO.187/2024 AND TO ENLARGE THE APPELLANT/ACCUSED NO.1 ON REGULAR BAIL IN RC NO.01/2023/NIA/BLR.

THIS APPEAL COMING ON FOR ADMISSION THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH
and
HON'BLE MR. JUSTICE B.PRAMOD

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

Heard the learned counsel for the appellant/accused,
wherein prayer is sought for the release of the accused by filing
this appeal under Section 21(4) of the National Investigation
Agency Act, 2008.



CNR: KAHC010466832026

2. The learned counsel for the appellant/accused would vehemently contend that the Trial Court has rejected the bail application filed by the accused. The learned counsel relies upon the document of sanction order, FIR and charge-sheet produced as Annexures-A to C. The learned counsel would contend that the prosecution proposes to examine around 123 witnesses and conclusion of the trial is likely to consume substantial time and produced Annexure-D. It is also the contention of the learned counsel that the accused is in custody since 08.11.2023 and has undergone more than 2 years and 7 months of incarceration as an under trial prisoner. The trial has hardly progressed and only a negligible portion of evidence has been recorded and not stated how many witnesses have been examined. It is contended that the offences alleged against the accused is not punishable with death and continued incarceration would amount to pre-trial punishment violating Article 21 of the Constitution of India. The learned counsel would contend that this accused along with other accused had earlier filed Crl.Misc.No.2860/2024 seeking bail and the same was rejected vide order dated 08.04.2024 and the same is



NC: 2026:KHC:43722-DB
CRL.A No. 1168 of 2026

CNR: KAHC010466832026

produced as Annexure-E. The learned counsel submits that regular bail, which was sought was also rejected vide Annexure-F. The accused had approached this Court in Crl.A.No.1563/2024 and the same was withdrawn on 17.09.2024 as per Annexure-G. The learned counsel submits that the bail application, objections and the order passed on the bail application is produced as Annexures-H, J and K. The learned counsel also would submit that accused No.6 was granted bail by the Apex Court in SLP (Crl.) No.17376/2024 vide order dated 20.05.2025 as per Annexure-L. The learned counsel submits that the Apex Court granted bail to accused No.3 in SLP (Crl.) No.5567/2026, vide order dated 08.05.2026 as per Annexure-M. The learned counsel submits that this Court in Crl.A.No.325/2025 granted bail in favour of accused No.14, vide order dated 17.09.2025 as per Annexure N, on the ground of parity relying upon the order passed by the Apex Court in favour of accused No.6. The learned counsel would contend that this accused is also similarly placed and when the co-accused have already been enlarged on bail, denial of similar relief to the appellant would amount to hostile



discrimination. The learned counsel would vehemently contend that this appellant is also entitled for bail on the ground of parity.

3. Per contra, the learned Special Counsel for the respondent has filed statement of objections and relies upon the order passed by this Court on 29.06.2026 in Crl.A.No.520/2026 and brought to the notice of this Court that this Court has recently rejected the bail petition in respect of accused No.4. The learned counsel would submit that the Apex Court granted bail in respect of accused No.6, as he is having a permanent abode and also he is an Indian national. The learned counsel would submit that bail is granted in favour of accused No.3 only on the ground that accused No.6 has been granted bail and no discussion is made with regard to whether he is an Indian national. The learned counsel submits that insofar as granting of bail by this Court in favour of accused No.14 is concerned, he is in Bangalore and having a permanent abode at Bangalore for a period of 10 years. Though the appellant produced the documents before this Court that he was born in Delhi, but the learned counsel for the respondent



NC: 2026:KHC:43722-DB
CRL.A No. 1168 of 2026

CNR: KAHC010466832026

places on record the documents before this Court and contend that on cross verification, a report is received that no such certificate is issued and the same is created one. The learned counsel also would submit that though the appellant claims that he is born and brought up in India, but the very document of passport produced before the Court is very clear that he was born at Bangladesh and not in Delhi. The passport was issued on 10.09.2013 and his date of birth is 07.11.1987. The learned counsel also brought to the notice of this Court the letter issued by Municipal Corporation of Delhi dated 10.01.2024 that no such registration is found and the same is created one. The learned counsel also brought to the notice of this Court, the birth certificate which is placed before the Court and submits that the same is created one and also even got created the document of election ID card. The learned counsel submits that the appellant is the resident of Bangladesh and he has indulged in creation of documents. On verification of birth certificate, it is clear that his mother's name is Komela Begum and his father's name is Moksed Bepari and father's nationality is Bangladesh and issuance of certificate is dated 30.11.2021



CNR: KAHC010466832026

and place of birth of the appellant is Barisal. All these documents clearly disclose that he is a Bangladeshi and created the document and travelled to India without any documents and indulged in creation of fake documents in India. The learned counsel contend that if the appellant is enlarged on bail when serious offence is alleged against him, there are chances of fleeing away from justice.

4. Having heard the learned counsel for the appellant and the learned Special Counsel appearing for the respondent and also considering the material available on record, the bail was granted in favour of accused No.6 as he is an Indian and also having the permanent abode. No doubt, accused No.3, who is a Bangladeshi was also granted bail from the Apex Court and this Court also granted bail in favour of accused No.14. This Court rejected the bail petition in respect of accused No.4. The learned counsel for the respondent brought to the notice of this Court that the Apex Court has given direction to dispose of the matter within six months and accordingly, day-to-day proceedings is going on. There is no dispute that already 21 witnesses have been examined. The documents are created at



CNR: KAHC010466832026

the instance of this appellant, including the document of birth certificate, ID card and other documents and on cross verification, it is found that he is a resident of Bangladesh and indulged in creation of documents. Considering the material on record, there exists a flight risk if the appellant is enlarged on bail and there are chances of fleeing away from justice and not able to get him to proceed against him. When a time bound direction is already given by the Apex Court to dispose of the matter within a span of six months, keeping him in custody for a period of six months when serious offence of creation of documents is alleged against him, it will not amount to violation of fundamental right as envisaged under Article 21 of the Constitution of India. The very contention of the learned counsel for the appellant cannot be accepted having taken note of the circumstances and also the factual aspects of the case that the appellant indulged in creation of documents as Indian national and he is a Bangla resident and hence, there is no merit in the appeal to exercise the discretion in favour of the appellant.



CNR: KAHC010466832026

**NC: 2026:KHC:43722-DB
CRL.A No. 1168 of 2026**

5. In view of the discussions made above, we pass the following:

ORDER

The criminal appeal is rejected.

**Sd/-
(H.P.SANDESH)
JUDGE**

**Sd/-
(B.PRAMOD)
JUDGE**

MD
List No.: 1 Sl No.: 6