HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MRS. JUSTICE K.S.MUDAGAL

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO.2103/2025 (21(NIA))

BETWEEN:

MR.WASEEM AHMED @ WASIM
S/O MOHAMMAD NASEERULLA
AGED ABOUT 41 YEARS
R/AT NO.363, 4TH SQUARE
OPP. TO BBMP PARK, AUSTIN TOWN
VIVEK NAGAR P.S.,
BENGALURU – 560 047
PERMANENT ADDRESS:
HOUSE NO.1209, BLOCK-32,
GROUND FLOOR
BDA LAYOUT, AUSTIN TOWN
BENGALURU – 560 047 …APPELLANT

(BY SRI.MOHAMMED TAHIR, ADVOCATE)

Digitally signed by K S RENUKAMBA
Location: High Court of Karnataka

AND:

NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
REP. BY ITS SUPERINTENDENT OF POLICE
BRANCH OFFICE, BENGALURU
NO.3RD FLOOR, BSNL, TELEPHONE EXCHANGE
HAL 2ND STAGE, INDIRANAGAR
BANGALORE – 560 008 …RESPONDENT

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

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(4) OF NIA ACT, 2008 PRAYING TO SET ASIDE THE ORDER DATED 15.09.2025 PASSED BY THE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE (SPL. JUDGE FOR TRIAL OF NIA CASES) CCH-50 BENGALURU

IN SPL.C.NO.181/2017 AT ANNEXURE-A AND CONSEQUENTLY APPRECIATE THE APPLICATION UNDER SECTION 439(1) READ WITH 439 OF CR.PC FILED BY THE APPELLANT AT ANNEXURE-B AND ETC.

THIS CRIMINAL APPEAL HAVING BEEN HEARD AND RESERVED ON 05.12.2025, COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **K.S.MUDAGAL J**., DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE K.S.MUDAGAL
AND
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE K.S.MUDAGAL)

Challenging rejection of his application for interim bail, accused No.2 in Spl.Case No.181/2017 on the file of XLIX Addl. City Civil and Sessions Judge (Spl.Court for Trial of NIA cases), Bengaluru CCH No.50 has preferred this appeal.

2. Appellant and five others are being tried in Spl.CC.No.181/2017 for the charges for the offences punishable under Section 302 read with Section 34, 120B of IPC and Sections 16(1)(a), 18 and 20 of Unlawful Activities (Prevention) Act, 1967 on the basis of the charge sheet filed by respondent/NIA.

3. The charges against the accused are that the accused were active workers of Popular Front of India and had conspired to strike terror in the minds of section of people by killing RSS members in uniform. In execution of such

conspiracy, due to enmity against the victim Rudresh/an RSS worker, on the instructions of accused Nos.4 and 5, accused assembled at garage of accused No.4 with two motorcycles and fixed fake number plates on the said motorcycles with fake registration numbers and planned to murder Rudresh. On 16.10.2016 at 11 a.m. accused No.3 rode the bike slowly. When they came close to Rudresh, accused No.2/pillion rider took out the machete from the bag and chopped the neck of Rudresh with the same and escaped.

4. The appellant's first bail application was rejected by the Trial Court on merits. It is submitted that the applications filed by co-accused were also rejected on merits. The contention of the respondent is that the appellant had made attempts to seek bail in Crl.A.No.174/2019, which came to be rejected on 07.02.2019 and similarly accused Nos.1 and 4 were also unsuccessful in their appeals before this Court challenging the rejection of their bail applications. Challenging the rejection of his bail application by the Trial Court and this Court, co-accused (accused No.5) had preferred the SLP (Crl) No.561/2023 which came to be rejected.

5. The appellant had filed petition seeking interim bail on his medical condition. That was rejected by the Trial Court on 25.01.2019. Crl.A.No.174/2019 filed against the said order came to be dismissed by this Court on 07.02.2019. Perusal of the order in Crl.A.No.174/2019 shows that this Court had summoned the doctor working in Victoria Hospital, Bengaluru, Chief Medical Officer and Superintendent of Central Prison, Parappana Agrahara, Bengaluru regarding medical services provided to the appellant. The said order further shows that though the hospital had arranged for his surgery, he himself refused to undergo surgery. Such being the facts, he filed another bail application before the Trial Court seeking interim bail for 90 days on the ground that his mother is suffering from serious medical conditions and his presence with her is necessary. Trial Court on hearing the parties by the impugned order has rejected the said application on the ground that his other family members are taking care of his mother. The said order is challenged in the above appeal.

6. Even before this Court, the respondent opposed the appeal by filing counter. To show that the appellant's mother is solely dependent on him, the appellant/accused was asked to

produce the ration card of his family. However, he did not produce the same. He has produced only the record of enumeration card of himself, his wife, mother and his passport. The ration card would have shown the list of all family members. As per enumeration list produced by the appellant, his father, himself, his sister and his mother were living together. The said enumeration list is dated 23.02.2007. Presently the appellant's wife and daughter is also living with his parents. The updated voters' enumeration list is not produced to show what is the present position and there is no explanation for non production of up to date records in that regard.

7. The medical records produced by the appellant himself show that his mother was taken to hospital with the complaints of cataract, osteo-arthritis, fatty liver, bulky uterus etc. The fact of she visiting the hospitals shows that she is being accompanied by her other family members. Therefore, the Trial Court was justified in holding that his mother is not solely depending on him as noted earlier.

8. While considering such bail application of the accused, the Court has to balance the interests of the victim as

well as the accused. As noted earlier, finding the *prima-facie* material regarding the overt acts of the accused against the victim, the bail applications of the co-accused were rejected by the trial Court, this Court and in Special Leave Petition filed by accused No.5, such order is confirmed. It has to be borne in mind that hacking the victim to death, the parents, wife and children of the victim have also been subjected to destitution. They are crying for justice.

9. Appellant is said to be the main assailant. The observations made in Crl.A.No.174/2019 show that he filed similar application on his medical ground and later refused to take medical treatment offered by the doctors concerned. Under the circumstances, we do not find any error in the impugned order. Hence the following:

ORDER

The appeal is dismissed.

Sd/-
(K.S.MUDAGAL)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE

AKC
List No.: 1 Sl No.: 1