IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO. 587 OF 2026 (21(NIA))

C/W

CRIMINAL APPEAL NO. 323 OF 2026

CRIMINAL APPEAL NO. 423 OF 2026

CRIMINAL APPEAL NO. 652 OF 2026

IN CRL.A No. 587/2026

BETWEEN:

MR. SHAHID PASHA VALI
S/O MOHAMMED SAB,
AGED ABOUT 46 YEARS,
R/O #30/2, 18TH CROSS,
HALL ROAD EXTENSION,
SAGAIPURAM, BENGALURU-560 005.

...APPELLANT

(BY SRI. RAHAMATHULLA KOTHWAL, ADVOCATE)

AND:

NATIONAL INVESTIGATION AGENCY
BANGALORE,
REPRESENTED BY ITS SPP,
HIGH COURT OF KARNATAKA,
BENGALURU.

...RESPONDENT

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

Digitally signed by ANJALI M
Location: High Court of Karnataka

THIS CRL.A IS FILED U/S 21(NIA) PRAYING TO: (A) CALL FOR ENTIRE RECORDS IN SPL.C.NO.152 OF 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 07.02.2026 PASSED BY THE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE, [SPECIAL COURT FOR TRIAL OF NIA CASES], (CCH-50) AT BENGALURU IN SPL.C.NO.152/2021 VIDE ANNEXURE-A AND ENLARGE THE APPELLANT/ACCUSED NO.18 ON BAIL IN SPL.C.NO.152 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 120B, 34, 149 R/W 143, 145, 147, 188, 427, 436, 353 OF 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.

IN CRL.A NO. 323/2026

BETWEEN:

MOHAMMED THOUSIF
S/O MOHAMMED SARDAR,
AGED ABOUT 20 YEARS,
R/A NO.29, 4TH CROSS,
ASHOK NAGAR, D.J. HALLI,
BANGALORE-560 045.

...APPELLANT

(BY SRI. SIRAJUDDIN AHMED, ADVOCATE)

AND:

NATIONAL INVESTIGATION AGENCY
BENGALURU,
REPRESENTED BY
LEARNED SPECIAL PUBLIC PROSECUTOR.

...RESPONDENT

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

THIS CRL.A. IS FILED U/S.21(NIA) 2008 PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 22.11.2025 PASSED BY THE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE, (SPECIAL COURT FOR THE TRIAL OF NIA CASES), (CCH-50) AT BENGALURU, IN SPL.C.NO.152/2021 AND ENLARGE THE APPELLANT MOHAMMED THOUSIF ACCUSED NO.12, ON REGULAR BAIL IN CONNECTION WITH SPL.C.NO.152/2021, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 120B, 143, 145, 147, 188, 353, 427 & 436, 34 & 149 OF IPC, SECTION 2 OF KARNATAKA PREVENTION OF DESTRUCTION AND LOSS OF PROPERTY ACT (KPDLP ACT) AND SECTIONS 16, 18 & 20 OF UA(P) ACT SUBJECT TO SUCH TERMS AND CONDITIONS.

IN CRL.A NO. 423/2026

BETWEEN:

1. SUHAIL BASHA
   S/O AMEER BASHA,
   AGED ABOUT 33 YEARS,
   R/AT #306, 1ST CROSS, ASHWATHNAGAR,
   UKBA MASJID STREET, THANISANDRA,
   BENGALURU-560 045.

2. FIRDOUS KHAN
   S/O ILIYAZ KHAN,
   AGED ABOUT 46 YEARS,
   R/AT, NEAR MEDISCOPE HOSPITAL,
   KG HALLI, BANGALORE-560 045.

...APPELLANTS

(BY SRI. MOHAMMED TAHIR, ADVOCATE)

AND:

NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
BRANCH OFFICE, BENGALURU
REPRESENTED BY ITS
SUPERINTENDENT OF POLICE
#3RD FLOOR, BSNL TELEPHONE EXCHANGE,

HAL 2ND STAGE, INDIRANAGAR,
BANGALORE-560 008.

...RESPONDENT

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

THIS CRL.A IS FILED U/S 21 OF NIA ACT PRAYING TO APPRECIATE THIS CRL.A TO SET ASIDE THE IMPUGNED ORDER DATED 07.02.2026 AT ANNEXURE-A PASSED BY THE HON'BLE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE, (SPECIAL JUDGE FOR TRAIL OF NIA CASES), (CCH-50) AT BENGALURU IN SPL.C.NO.152/2021 ARISING FROM RC-34/2020/NIA/DLI, WHEREIN THE APPELLANTS ARE ARRAYED AS ACCUSED NOS.6, 17, 22, 23, AND 24, AND GRANT REGULAR BAIL TO APPELLANTS/ACCUSED NOS.6, 17, 22, 23, AND 24 IN SPL.C.NO.152/2021 ARISING FROM RC-34/2020/NIA/DLI UNDER SECTIONS 16, 18 AND 20 OF UA (P) ACT, 1967, 120B, 34, 149 R/W 143, 145, 147, 188, 427, 436, 353 OF IPC AND 2 OF KPDLP ACT.

IN CRL.A NO. 652/2026

BETWEEN:

1. SHAFI KHAN
   S/O MH ABDUL SHUKOOR,
   AGED ABOUT 37 YEARS,
   R/AT NO.106, 17TH CROSS,
   SAGAIPURAM, FRAZER TOWN,
   BANGALORE-560 005.

2. TABREZ
   S/O SHAIKH MAHABOOB,
   AGED ABOUT 40 YEARS,
   R/AT NO.13TH 13 CROSS,
   OLD BAGLUR LAYOUT,
   BANGALORE-560 084.

3. ABDUL BASEER
   S/O ABDUL BASHEER,
   AGED ABOUT 48 YEARS,
   R/AT NO.71, 4TH CROSS,

SHADAB NAGAR, KB SANDRA,
BANGALORE-560 032.

...APPELLANTS

(BY SRI. MOHAMMED TAHIR, ADVOCATE)

AND:

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

...RESPONDENT

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

THIS CRL.A IS FILED U/S 21(NIA) PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 07/02/2026 AT ANNEXURE-A PASSED BY THE HON'BLE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE, (SPECIAL JUDGE FOR TRIAL OF NIA CASES), (CCH-50) AT BANGALORE IN SPL.C.NO.152/2021 ARISING FROM RC-34/2020/NIA/DLI, WHEREIN THE APPELLANTS ARE ARRAYED AS ACCUSED NOS.17, 23, AND 24, AND GRANT REGULAR BAIL TO APPELLANTS / ACCUSED NOS. 17, 23, AND 24, IN SPL.C.NO.152/2021 ARISING FROM RC-34/2020/NIA/DLI UNDER SECTIONS 15, 16, 18 AND 20 OF UA (P) ACT, 1967 AND 120B, 34, 149 R/W 143, 145, 147, 188, 427, 353 OF IPC AND 2 OF KPDLP ACT.

THESE APPEALS, COMING ON FOR ADMISSION, 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)

All these appeals arise out of the same incident and same Crime No.195/2020 of D.J.Halli Police Station, wherein the investigation was taken over by the respondent/NIA and registered as RC No.34/2020/NIA/DLI. Hence, taken up together and disposed of by this common order.

2. Charge sheet is filed for the offences punishable under Section 143, 147, 307, 436, 353, 332, 333, 427, 504, 506, 149 and 34 of IPC, Section 15, 16, 18 and 20 of Unlawful Activities (Prevention) Act, 1967, (in short 'UA (P) Act') and Section 4 of the Prevention of Damage to Public Property Act, 1984 and Section 2 of the Karnataka Prevention of Destruction and Loss of Property Act, 1981.

3. We have heard the learned counsel appearing for the appellants in the respective appeals and the

learned Special Public Prosecutor appearing for the respondent/NIA. Perused the material on record.

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

5. These appeals are preferred under Section 21(4) of the NIA Act, challenging the orders passed by the Special Court rejecting the applications filed by the appellants seeking bail and consequently to enlarge them on bail. Charge sheet is filed against 109 accused.

6. Crl.A.No.587/2026 is preferred by accused No.18, Crl.A.No.652/2026 is by accused Nos.17, 23 and 24, Crl.A.No.323/2016 is by accused No.12 and Crl.A.No.423/2026 is by accused No.6 and 22.

7. It is the case of the prosecution that on 11.08.2020 at around 20.00 hours, a mob of around 200-300 persons gathered near D.J.Halli Police Station, holding dangerous weapons, agitating against one Naveen for posting a blasphemous comment on his Facebook against

Prophet Mohammed. The said mob started shouting unparliamentary words and tried to attack the police with dangerous weapons. When the police personnel tried to stop the mob from entering the police station, some of the accused in the mob burnt the police vehicles parked in the premises of the police station etc.

8. The Special Court has rejected the bail applications on the ground that the offences alleged are serious in nature and the material on record reveals that the accusations made are prima facie true. Further, the earlier bail applications were rejected, wherein the Court has already come to the conclusion that there are reasonable grounds to believe that the accusations made against the accused persons are prima facie true and there is a bar under Section 43D (5) of the UA (P) Act to grant bail.

9. The learned counsel for the appellants submitted that they are seeking bail on the ground of parity, as this Court as well as the Hon'ble Apex Court has

granted bail to similarly placed accused. They submitted that out of 109 accused named in the charge sheet, against accused Nos.1 to 24 the provisions under the UA(P) Act are invoked and amongst them, this Court has granted bail to accused No.16 and the Hon'ble Apex Court has granted bail to accused No.9, 15, 20 and 21. They submitted that these appellants are languishing in judicial custody for a long period and since similarly placed accused are already enlarged on bail, they are also entitled to bail on parity.

10. We have considered the material on record and the allegations against these appellants. We have noticed that other accused similarly placed as the appellants have been enlarged on bail by this Court as well as the Hon’ble Apex Court. Accused No.16 has been enlarged on bail by this Court in Crl.A No.1482/2024 vide order dated 09.02.2026. The Hon'ble Apex Court has granted bail to accused No.15 in Crl.A.No.510/2026 (SLP(Crl) No.18992/2025) vide order dated 28.01.2026, accused

Nos.20 and 21 in Crl.A.Nos.506/2026 and 507/2026 (SLP (Crl) Nos.20502/2025 and 19482/2025) vide order dated 28.01.2026, accused No.9 in Crl.A.No.1483/2026 (SLP (Crl) No.18988/2025) vide order dated 18.03.2026.

11. This Hon'ble Court in ***Shri Narayanaswamy v. State of Karnataka*** reported in ***2017 SCC Online Kar 1066,*** has observed in para 24 that the law of Parity would be applied in granting bail to an accused, where the coaccused has been granted bail on similar set of circumstances. Law of Parity is a desirable rule where the case of accused/petitioner is identical with the co-accused, who is already enlarged on bail.

12. The contention that the appellants are similarly placed as the accused who are already granted bail is not disputed. On careful scrutiny it transpires that case of the appellants is similar to the accused who are granted bail. Further more, there are 267 witnesses cited in the charge sheet. As on today, only 7 witnesses are examined. Accused Nos.6, 12, 17 and 22 are in custody for more

than 5 years and accused Nos.18, 23 and 24 are in custody for more than 4 ½ years. Hence, it is desirable that appellants should also be enlarge on bail.

13. In the above facts and circumstances, we are of the considered view that the appellants are entitled to bail. Accordingly, the following:

ORDER

(i) Appeals are ***allowed***.

(ii) The impugned order dated 07.02.2026 and 22.11.2025 passed in Spl.C.No.152/2021 by the Court of XLIX Additional City Civil and Sessions Judge are set aside.

(iii) The appellants/accused Nos.6, 12, 17, 18, 22, 23 and 24 are ordered to be released on bail, subject to following conditions:

(i) They shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each, with two sureties for the likesum to the satisfaction of the trial Court.

(ii) They shall furnish proof of their residential address and shall inform the Court, if there is any change in the address.

(iii) They shall not indulge in tampering the prosecution witnesses either directly or indirectly.

(iv) They shall not leave the jurisdiction of the Court without prior permission till disposal of the case.

(v) They shall cooperate with the trial Court in disposal of the case by regularly appearing before the Court and their exemption from appearance shall be subject to the satisfaction of the trial Court.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE

HB
List No.: 1 Sl No.: 13