



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3570]

WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K SURESH REDDY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL APPEAL NO: 841/2025

Between:

1. ASHOK KUMAR DEG, S/O SH. SHER SINGH DEG, AGED ABOUT 24 YEARS R/O INDALI, OLD BUS STAND, JHUNJHUNU, RAJASTHAN. (PRESENTLY IN JUDICIAL CUSTODY AT CENTRAL JAIL, VISAKHAPATNAM, ANDHRA PRADESH)

...APPELLANT

AND

1. THE UNION OF INDIA, REPRESENTED BY ITS DEPUTY SOLICITOR GENERAL HIGH COURT OF ANDHRA PRADESH AMARAVATHI ANDHRA PRADESH

2. THE SPECIAL PUBLIC PROSECUTOR, NATIONAL INVESTIGATION AGENCY HYDERABAD

...RESPONDENT(S):

Appeal under Section 372/374(2)/378(4) of Cr.P.C praying that the High Court may be pleased to may be pleased to allow the present referred by the Appellant against the impugned Order / Judgement dated 06.10.2025 passed by the Ld. III Additional District and Sessions Judge- cum-Special Judge for SPE and ACB Cases, Visakhapatnam, in case titled as "Ashok Kumar Deg Versus The State" represented by the Special Public Prosecutor, National Investigating Agency, Hyderabad and be pleased to release the Appellant on Bail in FIR No. 05/2019/NIA/HYD and pass such

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of (22) days In filling the above petition In Crl.A.Sr No.15562 of 2025 against the Order Dated 06.10.2025 In Crl.M.P.No. 1970 of 2025 In S.C.NO. 15 of 2023 on the file of the Hon'ble 111 Additional District & Sessions Judge - Cum - Special Judge for SPE & ACB Cases, Visakhapatnam and pass such

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to to dispense with the filing of certified copy of order passed dated 06.10.2025 in Crl.M.P.No. 1970 of 2025 in S.C.No. 15 of 2023 on the file of the Hon hie 111 Additional District and Sessions Judge - Cum - Special Judge for SPE and ACB Cases, Visakhapatnam before this Honble Court and pass such

Counsel for the Appellant:

1.LANKA VENKATESWARLU

Counsel for the Respondent(S):

1.Challa Dhanunjay , ADDITIONAL SOLICITOR GENERAL OF INDIA

The Court made the following:

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**WEDNESDAY, THIS THE SIXTH DAY OF MAY, 2026****TWO THOUSAND AND TWENTY SIX****SPECIAL DIVISION BENCH****PRESENT****THE HONOURABLE SRI JUSTICE K SURESH REDDY****AND****THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA****CRIMINAL APPEAL NO: 841 of 2025****JUDGMENT** :- *(Per the Hon'ble Sri Justice K.Suresh Reddy)*

Questioning the order, dated 06.10.2025 in Crl.M.P.No.1970 of 2025 in S.C.No.15 of 2023 on the file of the Court of III Additional District and Sessions Judge-cum- Special Judge for SPE & ACB Cases, Visakhapatnam, the appellant/Accused No.7, filed the present Criminal Appeal under Section 21(4) of the National Investigation Agency Act, 2008.

2. Case of prosecution briefly is as follows :-

On 15.11.2019, on receipt of credible information, the Counter Intelligence police registered FIR stating that during 2011-2019 some unidentified foreign nationals entered into conspiracy with some unidentified persons at Visakhapatnam, Mumbai and other places to carry out Anti-National activities. The said FIR was registered for the offences under Sections 120-B, 121-A IPC and Sections 17 and 18 of Unlawful Activities (Prevention) Act, 1967 and Section 3 of Official Secrets Act, 1923. The said

FIR was registered as Crime No.1 of 2019 on 16.11.2019. During the course of investigation, Counter Intelligence Police conducted searches at the residential premises of accused and arrested them.

3. In view of the gravity of the offence, the Ministry of Home Affairs, Government of India entrusted the investigation to National Investigating Agency. Accordingly, N.I.A, Hyderabad, re-registered the above said case as RC-05/2019/NIA/Hyderabad, dated 29.12.2019 for the offences under Sections 120-B, 121-A IPC and Sections 17 and 18 of U.A (P) Act, 1967 and Section 3 of Official Secrets Act, 1923.

4. During the course of investigation, the Investigating Authorities conducted searches at the residential premises of A.2 to A.5, A.15, as well as the office premises/working places of Navy personnel (A.6 to A.13 and A.16 to A.18) between 19.12.2019 and 29.12.2019 and seized electronic gadgets such as mobile phones, memory cards, SIM cards, Pen drives etc., and also bank documents, identity documents such as Aadhaar cards, Pan cards, Passports etc. and other material from the individual possession and residential/office premises of accused A.2 to A.13 and A.15 to A.18. Thereafter, the Investigating Agency arrested A.2, A.6 to A.13 and A.15 to A.18 as they were found to be involved in the commission of the present offence.

5. The allegation made against the appellant who is shown as A.7 in the Charge Sheet at paragraph No.17.27.7 is as hereunder :-

“17.27.7 Role and involvement of Ashok Kumar Deg (A-7) : He was arrested on 19.12.2019 from Naval Dockyard, Mumbai. He joined Indian Navy as sailor in February 2017 and was posted at different ships/submarines namely INS Aditya and INS Sindhuvijay. Investigation revealed that Ashok Kumar Deg (A-7) was using WhatsApp with mobile number 9928029612 and Facebook user ID 100003535788525 (Profile name ‘Ashok Deg’). During June 2019, he came in contact with online handler ‘Ashi Rajput @ Harish Rajput’ over WhatsApp. Ashi Rajput is using WhatsApp with mobile numbers 9898606736 & 9726177846 . True caller name of mobile number 9898606736 of Ashi Rajput found as ‘Harish Gun’ in the mobile phone data of A-7. Thereafter, accused came in contact with another handlers ‘Diya Gupta @ Deepa Prakash’ over Facebook. Diya Gupta shared her WhatsApp mobile number 9714572065 with accused. Since then accused used to make WhatsApp calls to her and they both used to exchange photographs. It is also revealed that said ‘Harish’ asked the accused to share the details of any ship sailing for foreign countries. On 02.08.2019, the accused informed him about ‘INS Deepak’ sailing for any foreign country. Investigation revealed that on two occasions, A-7 sought money from said ‘Harish’. Accordingly, an amount of Rs.4,501/- was deposited into SBI account no36559077663 of A-7 on 21.08.2019 from the shop of Intezar Sayyad (A-2). Thereby, accused Ashok Kumar Deg (A-7) has committed offences under Sections 120-B & 201 of The Indian Penal Code 1860, section 18 of The Unlawful Activities (Prevention) Act, 1967 and Sections 3, 4 & 5 of The Official Secrets Act, 1923.”

6. It is also further alleged in the Charge Sheet at paragraph No.17.28.4 as hereunder :-

“17.28.4 Scrutiny report of Ashok Kumar (A-7)'s mobile phone:- It is revealed that he was in contact with online Identity 'Diya Gupta, over Facebook and later she shared her WhatsApp mobile number 9714572065 with the accused. Ashok Kumar Deg (A-7) used to exchange WhatsApp calls (audio/video) with 'Diya Gupta @ Deepa Prakash'. On many occasions, he shared his photographs to the said handler. Further, on 24.09.2019, Diya Gupta @ Deepa Prakash' asked the accused to show ship towing and the accused agreed for it. On the same day, Diya Gupta Deepa Prakash' shared a WhatsApp link with accused to download 'Zalo' video calling application and the accused downloaded that App and sent the screenshot to Diya Gupta @ Deepa Prakash' for confirmation. It is also revealed that mobile number 9898606736 was saved in the name of 'Harish Gun', who posed as Navy batch-mate of the accused. The accused made normal conversation with said 'Harish Gun regarding his posting details. On 02.08.2019, the accused informed said 'Harish Gun' about 'INS Deepak' sailing for any foreign country. On 15.08.2019, said Harish Gun' thanked the accused and stated that 'INS Deepak' was going to Oman. On 20.07.2019 and 17.08.2019, he demanded Rs 20,000/- and Rs. 6,000/- respectively from 'Harish Gun'. Accordingly, an amount of Rs. 4,501/- was deposited into SBI account no.36559077663 of Ashok Kumar Deg (A-7) on 21.08.2019. Images of restricted documents, some hand written notes/ pictorial drawings about functioning systems of various parts of ships/submarines, images of

ships, handler/online character Deepa Prakash @ Diya's photographs, A-7's photograph clicked in the Arms Kote are found. He was in a WhatsApp group by name "Naval worries 1/17" in which handler Harish was Member cum Admin and Harish number was added in the group by Ashok Kumar (A-9)."

7. Heard Ms.Harsha Sharma, learned counsel appearing for Sri Lanka Venkateswarlu, learned counsel for the appellant, and Sri Challa Dhanunjay, learned Additional Solicitor General of India for respondent.

8. Learned counsel for the appellant contends that the appellant was arrested on 19.12.2019 and has been in judicial custody ever since. It is further submitted that the appellant has been in custody for more than six years. Learned counsel further submits that Accused Nos.17 and 18 pleaded guilty before the learned trial Judge, and upon such plea, they were convicted and sentenced to undergo imprisonment for a period of five (05) years and nine (09) months each, in addition to payment of fine of Rs.5,000/- each. It is also submitted that Accused No.5 similarly pleaded guilty and, upon such plea, was convicted and sentenced to undergo imprisonment for a period of six (06) years. Since they have already undergone the said period of sentence, they have been released. It is further contended that the trial, in so far as the present appellant is concerned, has not commenced so far. Apart from the above, the learned counsel has also raised various grounds on the merits of the case. As such, learned counsel for the appellant requests this Court to enlarge the appellant on bail.

9. On the other hand, Sri Challa Dhanunjay, learned Additional Solicitor General of India opposed the appeal contending that the allegations made against the appellant are very serious. He further contends that being an employee in Navy, he gave information to 'Ashi Rajput @ Harish Rajput', about the movements/locations of the Indian Navy Ships/submarines. The said 'Ashi Rajput @ Harish Rajput' is a Pakistani national and an agent of the Pakistan intelligence agency. He further contended that for sharing this information, the appellant was paid an amount of Rs.4,501/- into his SBI Account No. 36559077663, in view of sharing official secrets with the said 'Ashi Rajput @ Harish Rajput'. He further contended that the mobile phone belonging to the appellant was subjected to F.S.L examination which revealed that the appellant purposefully deleted WhatsApp conversation with the said 'Ashi Rajput @ Harish Rajput' to avoid suspicion on his apprehension. He has also deleted the Facebook conversation. There was another WhatsApp group having only three members including 'Ashi Rajput @ Harish Rajput' and the appellant/A.7. The money was deposited into account of the appellant. He further contends that the trial of the case has already been commenced and that some of the witnesses have been examined. He further contends that when once the appellant is released on bail, it is very difficult to secure his presence in the circumstances of the case. The involvement of the appellant is in a very serious offence. He further contends that being Navy Personnel, he ought not to have indulged in these type of offences. He also contends that the appellant had filed several applications before the learned Special

Judge for NIA Cases at Vijayawada and subsequently before the learned Special Judge for NIA Cases at Visakhapatnam; however, all the applications were dismissed. It is further contended that the appellant had earlier preferred Criminal Appeal No. 326 of 2020 before this Court, challenging the extension of judicial custody from 90 days to 180 days, and also filed Criminal Appeal No. 399 of 2022 seeking bail. Criminal Appeal No. 326 of 2020 was withdrawn by the appellant on 03.11.2020, whereas Criminal Appeal No. 399 of 2022 was dismissed by this Court by a detailed order on 03.6.2023. He further contends that the present application is, in fact, a second bail application, and that the appellant has intentionally suppressed the factum of dismissal of the earlier bail application in Criminal Appeal No. 399 of 2022, dated 03.06.2023. As such, he requests this Court to dismiss the appeal.

10. Learned counsel for the appellant placed reliance on the judgment of the Hon'ble Supreme Court in ***Union of India Vs. K.A. Najeeb***¹, wherein the Hon'ble Supreme Court held as follows:

“14. The facts of the instant case are more egregious than these two above cited instances. Not only has the respondent been in jail for much more than five years, but there are 276 witnesses left to be examined. Charges have been framed only on 27-11-2020. Still further, two opportunities were given to the appellant NIA who has shown no inclination to screen its endless list of witnesses. It also deserves mention that of the thirteen co-accused who have been convicted, none have been given a sentence of more than eight years' rigorous

¹ (2021) 3 SCC 713

imprisonment. It can, therefore, be legitimately expected that if found guilty, the respondent too would receive a sentence within the same ballpark. Given that two-third of such incarceration is already complete, it appears that the respondent has already paid heavily for his acts of fleeing from justice.

15. This Court has clarified in numerous judgments that the liberty guaranteed by Part III of the Constitution would cover within its protective ambit not only due procedure and fairness but also access to justice and a speedy trial. In Supreme Court Legal Aid Committee (Representing Undertrial Prisoners) v. Union of India [Supreme Court Legal Aid Committee (Representing Under trial Prisoners) v. Union of India, (1994) 6 SCC 731, para 15 : 1995 SCC (Cri) 39] , it was held that undertrials cannot indefinitely be detained pending trial. Ideally, no person ought to suffer adverse consequences of his acts unless the same is established before a neutral arbiter. However, owing to the practicalities of real life where to secure an effective trial and to ameliorate the risk to society in case a potential criminal is left at large pending trial, the courts are tasked with deciding whether an individual ought to be released pending trial or not. Once it is obvious that a timely trial would not be possible and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail.

16. As regards the judgment in NIA v. Zahoor Ahmad Shah Watali [NIA v. Zahoor Ahmad Shah Watali, (2019) 5 SCC 1 : (2019) 2 SCC (Cri) 383] , cited by the learned ASG, we find that it dealt with an entirely different factual matrix. In that case, the High Court [Zahoor Ahmad Shah Watali v. NIA, 2018 SCC OnLine Del 11185] had

reappreciated the entire evidence on record to overturn the Special Court's conclusion of their being a prima facie case of conviction and concomitant rejection of bail. The High Court had practically conducted a mini-trial and determined admissibility of certain evidence, which exceeded the limited scope of a bail petition. This not only was beyond the statutory mandate of a prima facie assessment under Section 43-D(5), but it was premature and possibly would have prejudiced the trial itself. It was in these circumstances that this Court intervened and cancelled the bail.

17. It is thus clear to us that the presence of statutory restrictions like Section 43-D(5) of the UAPA per se does not oust the ability of the constitutional courts to grant bail on grounds of violation of Part III of the Constitution. Indeed, both the restrictions under a statute as well as the powers exercisable under constitutional jurisdiction can be well harmonised. Whereas at commencement of proceedings, the courts are expected to appreciate the legislative policy against grant of bail but the rigours of such provisions will melt down where there is no likelihood of trial being completed within a reasonable time and the period of incarceration already undergone has exceeded a substantial part of the prescribed sentence. Such an approach would safeguard against the possibility of provisions like Section 43-D(5) of the UAPA being used as the sole metric for denial of bail or for wholesale breach of constitutional right to speedy trial.

18. Adverting to the case at hand, we are conscious of the fact that the charges levelled against the respondent are grave and a serious threat to societal harmony. Had it been a case at the threshold, we would have outrightly turned down the respondent's prayer. However, keeping

in mind the length of the period spent by him in custody and the unlikelihood of the trial being completed anytime soon, the High Court appears to have been left with no other option except to grant bail. An attempt has been made to strike a balance between the appellant's right to lead evidence of its choice and establish the charges beyond any doubt and simultaneously the respondent's rights guaranteed under Part III of our Constitution have been well protected.

19. Yet another reason which persuades us to enlarge the respondent on bail is that Section 43-D(5) of the UAPA is comparatively less stringent than Section 37 of the NDPS Act. Unlike the NDPS Act where the competent court needs to be satisfied that prima facie the accused is not guilty and that he is unlikely to commit another offence while on bail; there is no such precondition under UAPA. Instead, Section 43-D(5) of the UAPA merely provides another possible ground for the competent court to refuse bail, in addition to the well-settled considerations like gravity of the offence, possibility of tampering with evidence, influencing the witnesses or chance of the accused evading the trial by absconsion, etc.

Conclusion

20. In light of the above discussion, we are not inclined to interfere with the impugned order. However, we feel that besides the conditions to be imposed by the trial court while releasing the respondent, it would serve the best interest of justice and the society at large to impose some additional conditions that the respondent shall mark his presence every week on Monday at 10 a.m. at the local police station and inform in writing that he is not involved in any other new crime. The respondent shall also refrain from participating in any activity which might enrage

communal sentiments. In case the respondent is found to have violated any of his bail conditions or attempted to have tampered the evidence, influence witnesses, or hamper the trial in any other way, then the Special Court shall be at liberty to cancel his bail forthwith. The appeal is accordingly dismissed subject to the abovestated directions.”

11. Relying on the aforesaid principles, learned counsel for the appellant contended that the appellant, has been in custody for a considerable period and, therefore, is entitled to be enlarged on bail.

12. Per contra, learned Additional Solicitor General of India placed reliance on the judgment of the Hon'ble Supreme Court in ***The State (Through Deputy Commissioner of Police Special Branch, Delhi) Vs. Jaspal Singh***², wherein the Hon'ble Supreme Court held as follows;

“9. The offence punishable under Section 3 of the Official Secrets Act, 1923 with which the respondent is charged relates to military affairs and it is punishable with imprisonment which may extend to fourteen years. This Court in State v. Captain Jagjit Singh [AIR 1962 SC 253 : (1962) 3 SCR 622 : (1962) 1 SCJ 408 : 1962 1 Cri LJ 215] has indicated that the Court should exercise a greater degree of care in enlarging on bail an accused who is charged with the offence punishable under Section 3 of the Official Secrets Act when it relates to military affairs. I have also gone through the decisions of this Court in Gurcharan Singh v. State (Delhi Administration) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41 : AIR 1978 SC 179 : (1978) 2 SCR 358 :

² AIR 1984 Supreme Court 1503

1978 Cri LJ 129] and Gudikanti Narasimhulu v. Public Prosecutor, High Court of Andhra Pradesh [(1978) 1 SCC 240 : 1978 SCC (Cri) 115 : AIR 1978 SC 429 : (1978) 2 SCR 371 : 1978 Cri LJ 502] which deal with the principles governing the grant of bail. It may be mentioned here that in the last of the above cases, the accused had been acquitted by the trial court but convicted by the High Court on appeal. On a consideration of the above three decisions, I am of the view that the Court before granting bail in cases involving non-bailable offences particularly where the trial has not yet commenced should take into consideration various matters such as the nature and seriousness of the offence, the character of the evidence, circumstances which are peculiar to the accused, a reasonable possibility of the presence of the accused not being secured at the trial, reasonable apprehension of witnesses being tampered with, the larger interests of the public or the State and similar other considerations.

This extract is taken from State v. Jaspal Singh Gill, (1984) 3 SCC 555 : 1984 SCC (Cri) 444 : 1984 SCC OnLine SC 128 at page 559

10. On going through the order passed by the High Court, I feel that its decision that the material collected by the prosecution and the evidence to be adduced at the trial would not be sufficient to sustain a conviction appears to be a premature one in the circumstances of this case. Since the trial is yet to begin, I do not propose to say anything more at this stage lest it should prejudice either the accused or the prosecution than observing that on a perusal of the complaint and the other material available in the case, it cannot reasonably be stated that the prosecution case against the respondent is such that it can be thrown out at the threshold. It appears that a prima facie

case is made out against the respondent. The gravity of the offences is quite obvious. They relate to the security of the State. Espionage and intelligence are utilised to pass on information regarding military plans, equipment, technical advances etc. of one country to another. Naturally passing on of such information from our country to a foreign country is bound to be most harmful to our country. The persons accused along with the respondent are admittedly ex-military men well versed in military affairs who are capable of establishing bridges with the sensitive sections of the defence services. The respondent is also alleged to be having some dealings with the defence department and Jasbir Singh is in the employment of the respondent. The allegations made by the prosecution which no doubt have still to be established at the trial suggest that the respondent and the persons accused along with him are persons of easy conscience insofar as the interests and security of the country are concerned. The current situation in the country is such that it can easily be exploited by unscrupulous men to their own or to some foreign power's advantage. These aspects of the case do not appear to have been considered by the High Court. It is seen that while dismissing the bail application of Jasbir Singh on April 24, 1984, the learned Judge of the High Court had relied on the decision of this Court in Captain Jagjit Singh case [AIR 1962 SC 253 : (1962) 3 SCR 622 : (1962) 1 SCJ 408 : 1962 1 Cri LJ 215] , he has not even referred to that decision while granting bail to the respondent on May 3, 1984. Some of the observations made by the High Court against the sustainability of the case of criminal conspiracy alleged by the prosecution at this stage were not called for. The circumstances of this case are such that the question whether the case of

criminal conspiracy had been made out or not should have been left to be decided by the trial court at the end of the trial on a consideration of the entire evidence adduced in the case.

11. In the circumstances, I am of the view that the High Court should not have enlarged the respondent on bail in the larger interests of the State. It is urged that the respondent is a person who has undergone a cardiac operation and needs constant medical attention. I am sure that the prison authorities will arrange for proper treatment of the respondent whenever the need for it arises.”

13. Learned Additional Solicitor General of India also placed reliance on the judgment of the Hon'ble Supreme Court in ***Gulfisha Fatima Vs. State (Govt. of NCT of Delhi)***³, wherein the Hon'ble Supreme Court held as follows;

“431. While the period of incarceration undergone by these appellants is substantial and has been duly considered, the Court is not persuaded that, on the present record, continued detention has crossed the threshold of constitutional impermissibility so as to override the statutory embargo. The complexity of the prosecution, the nature of evidence relied upon, and the stage of the proceedings do not justify their enlargement on bail at this juncture as noticed in detail in the discussion made hereinabove. Hence, the appeals arising out of SLP (Crl.) No. 14165 of 2025 and SLP (Crl.) No. 14030 of 2025 stands rejected.

432. We reiterate that courts are under a constitutional obligation to ensure that criminal proceedings, particularly those involving prolonged pre-trial incarceration, should

³ 2026 SCC OnLine SC 10

progress with utmost expedition and the accused are not left to languish in jail. At the same time, the Court is mindful that pre-trial detention, even when justified by statute, cannot be permitted to continue without regard to the progress of the trial. The restraint on liberty contemplated by law must proceed alongside a meaningful advancement of the prosecution. In the present case, having regard to the reliance placed upon protected witnesses, this Court considers it appropriate to provide a defined point for consideration of their prayer for grant of bail. We are of the opinion that on the completion of the examination of the protected witnesses relied upon by the prosecution, or upon the expiry of a period of one year from the date of this order, whichever is earlier, these two appellants would be at liberty to renew their prayer for grant of bail before the jurisdictional Court. In the event of such prayer being made it shall be considered on its own merits, having regard to the stage then reached in the proceedings before the Trial Court, and without being influenced by the impugned orders or the present order. This course gives effect to the statutory discipline embodied in Section 43D(5) of UAPA while ensuring that the constitutional guarantee under Article 21 operates as a continuing check against continued incarceration without there being any substantial progress of the trial.”

14. Placing reliance on the above principles, learned Additional Solicitor General submitted that the allegations against the appellant are grave, involving national security, and therefore the appellant is not entitled to the discretionary relief of bail.

15. We have perused the entire material on record.

16. There is no dispute that the appellant is serving in the Indian Navy and that his place of posting is at Visakhapatnam. The allegation against the appellant is that he had communicated confidential information relating to the movements and locations of Indian Navy ships and submarines to one "Ashi Rajput @ Harish Rajput." It is further alleged that, in consideration thereof, the appellant received an amount of Rs. 4,501/-. It is also the case of the prosecution that the mobile phone and SIM card of the appellant were subjected to forensic examination, which allegedly revealed that the appellant was in contact with the said "Ashi Rajput @ Harish Rajput," who is stated to be a Pakistani intelligence agent. It is a matter of record that the appellant had earlier filed Crl.M.P. No. 649 of 2022 in S.C.No.39 of 2020 before the learned Special Judge, Vijayawada, seeking bail, which was dismissed by order dated 10.06.2022. Aggrieved thereby, the appellant preferred Criminal Appeal No. 399 of 2022 before this Court, which was also dismissed by judgment dated 03.04.2023 on merits. In view of the dismissal of the earlier bail application on merits, and in the absence of any change in circumstances, this Court is not inclined to re-examine the matter on merits once again.

17. Merely because Accused Nos. 17, 18, and 5 pleaded guilty and were awarded sentences of five years and six years of imprisonment, respectively, the appellant cannot claim parity, as he has not pleaded guilty. Further, on instructions, the learned Additional Solicitor General of India submits that the National Investigation Agency is taking appropriate steps to initiate further

action against Accused Nos. 5, 17, and 18. Learned Additional Solicitor General of India specifically submitted that the trial has already commenced, some of the witnesses have been examined, and the trial is presently in progress.

18. Having regard to the aforesaid facts and circumstances, particularly the nature and gravity of the allegations, which pertain to matters affecting the national security of the country, this Court is not inclined to grant bail to the appellant.

19. Accordingly, the Criminal Appeal is dismissed, confirming the order dated 06.10.2025 in Crl.M.P. No. 1970 of 2025 in S.C. No. 15 of 2023 on the file of the Court of the III Additional District and Sessions Judge-cum-Special Judge for SPE & ACB Cases, Visakhapatnam. However, taking into consideration the fact that the appellant has been in judicial custody for the past six (6) years, the learned Special Judge is directed to expedite the trial and conclude the same as expeditiously as possible.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

K.SURESH REDDY, J

TUHIN KUMAR GEDELA, J

Date :06.05.2026
GR

THE HONOURABLE SRI JUSTICE K SURESH REDDY

AND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL APPEAL NO: 841 of 2025

Date :06.05.2026
GR