



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. 600 OF 2026 (21(NIA))

BETWEEN:

1. MR FAIROZ PASHA
AGED ABOUT 42 YEARS,
S/O ANWAR BASHA,
R/O NO.303, MODI ROAD,
NEAR MACCA MASJID,
TANK MOHALLA
DJ HALLI, BENGALURU-32.

...APPELLANT

(BY SRI. RAHAMATHULLA KOTHWAL.,ADVOCATE)

AND:

1. NATIONAL INVESTIGATION AGENCY
BANGALORE, REPRESENTED
BY ITS SPP, BANGALORE.

...RESPONDENT

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

THIS CRL.A IS FILED U/S 21(4) OF NIA PRAYING TO ALLOW THIS CRL.A AND SET ASIDE THE ORDER DTD 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.19 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 16, 18, AND 20 OF THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967, R/W SECTIONS 120B, 143, 145, 147, 188, 353, 427, 436, 34, 149 OF IPC AND SECTION 2 OF THE KARNATAKA PREVENTION OF DESTRUCTION AND LOSS OF PROPERTY ACT, 1981.

THIS APPEAL, COMING ON FOR HEARING ON INTERLOCUTORY APPLICATION, 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 arraigned as accused No.19 in the charge sheet filed by the respondent/NIA, has preferred this appeal under Section 21(4) of the National Investigation Agency Act, 2008, praying to set aside the order dated 07.02.2026 passed by the XLIX Additional City Civil and Sessions Judge, [Special Court for Trial of NIA Cases], (CCH-50) at Bengaluru in Spl.C.No.152/2021 and consequently to enlarge him on bail.



2. Heard learned counsel for the appellant and learned Special Public Prosecutor for the respondent/NIA and perused the material on record.

3. The respondent/NIA has filed statements of objection opposing the prayer in the appeal.

4. 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, armed with dangerous weapons, agitating against one Naveen who had posted blasphemous comment against the Prophet, on his Facebook account. The said mob shouted unparliamentary words and tried to attack the police with dangerous weapons and when the police tried to stop them from entering the police station, they burnt the police vehicles parked in the premises of the police station etc.

5. Case was registered in Crime No.195/2020 of D.J.Halli Police Station. Investigation was taken over by the NIA and registered as R.C.No.34/2020/NIA/DLI. On



completion of the investigation, charge sheet came to be filed against accused Nos.1 to 109 for the offences punishable under sections 143, 147, 307, 436, 353, 332, 333, 427, 504, 506, 149 and 34 of Indian Penal Code, 1860; sections 15, 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 (for short 'the 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.

6. The Special Court has rejected the bail application filed by the appellant on the ground that in pursuance of his conspiracy and posting of certain video in the News Channel and Facebook account which is derogatory, the appellant committed a terrorist act leading to large scale destruction of police station building, government and private vehicles. Further, the charge sheet materials show that there are reasonable grounds to believe that allegations made against him are *prima facie* true. The bail petition was also rejected on the ground that



the offences alleged against the appellant are serious in nature and there is a bar under Section 43D(5) of the UA(P) Act to grant bail.

7. In this case, the charge sheet is filed against 109 accused and out of them, the provisions under the UA(P) Act is invoked against accused Nos.1 to 24. The learned counsel for the appellant would submit that similarly placed accused who are charged under the UA(P) Act, are enlarged on bail by this Court as well as by the Apex Court. Therefore, he submits that the appellant is also entitled to bail on the ground of parity.

8. We have considered the material on record and the allegations made against the appellant. The allegations have to be proved in due course. It is not in dispute that the accused who are also charged under the UA(P) Act, are enlarged on bail. Copies of the bail orders are furnished by the learned counsel for the appellant. This Court in Crl.A.No.587/2026 and connected matters, vide order dated



25.04.2026, has enlarged accused 6, 12, 17, 18, 22, 23 and 24 on bail. Accused No.16 has been enlarged on bail in Crl.A.No.1482/2024 vide order dated 09.02.2026. The 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. Further, the Apex Court has granted bail to accused 4, 13 and 14 in SLP(Crl.)No.18985/2025 vide order dated 15.05.2026.

9. The appellant was arrested on 12.08.2020. He is in judicial custody for more than 5½ years. There are 267 witnesses cited in the charge sheet. The conclusion of the trial may take considerable time.



10. In the above facts and circumstances and on the ground of parity, the prayer of the appellant for bail can be considered. Accordingly, the following:

O R D E R

- i) Appeal is **allowed**;
- ii) The order dated 07.02.2026 passed by the XLIX Additional City Civil and Sessions Judge, [Special Court for Trial of NIA Cases], (CCH-50) at Bengaluru in Spl.C.No.152/2021, is hereby set aside;
- iii) The appellant/accused No.19 is ordered to be released on bail, subject to following conditions:
 - (a) He shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of the trial Court.
 - (b) He shall furnish proof of his residential address and shall inform



the Court, if there is any change in the address.

- (c) He shall not indulge in tampering the prosecution witnesses either directly or indirectly.
- (d) He shall not leave the jurisdiction of the Court without prior permission, till disposal of the case.
- (e) He shall co-operate with the trial Court in disposal of the case by regularly appearing before the Court and his exemption from appearance shall be subject to the satisfaction of the trial Court.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

**Sd/-
(G BASAVARAJA)
JUDGE**

DHA
List No.: 1 Sl No.: 15