



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND 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.1425/2025 (21(NIA))

BETWEEN:

MR.AFZAL BASHA
S/O AHMED PASHA
AGED ABOUT 40 YEARS
R/AT NO.144, 5TH CROSS
BANGARAGIRINAGAR
J.C.NAGAR, BENGALURU

...APPELLANT

(BY SRI AKARSH S KANADE, ADVOCATE FOR
SMT.DIVYA A.V., ADVOCATE)

AND:

NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
REP. BY SPECIAL PUBLIC PROSECUTOR
OFFICE AT HIGH COURT COMPLEX
OPP. TO VIDHANA SOUDHA
BANGALORE - 560 001

...RESPONDENT

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

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(4) OF THE NATIONAL INVESTIGATION AGENCY ACT, 2008 READ WITH SECTION 483 OF BNSS, PRAYING TO SET ASIDE THE ORDER DATED 24.03.2025 PASSED BY THE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE (SPECIAL COURT FOR TRIAL OF NIA CASES) BENGALURU IN SPL.C.NO.152/2021 AND ENLARGE THE APPELLANT ON BAIL FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 307, 436, 353, 332, 333, 427, 504, 506, 149 AND 34 OF IPC AND SECTION 4 OF PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT 1984 AND SECTION 2 OF KARNATAKA PREVENTION OF DESTRUCTION AND LOSS OF PROPERTY ACT, 1981 AND SECTIONS 15, 16, 18, 20 OF THE UNLAWFUL ACTIVITIES (PREVENTION) ACT 1967 AND ETC.





THIS CRIMINAL APPEAL HAVING BEEN HEARD AND RESERVED ON 10.11.2025 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 the order of rejection of his bail application, accused No.5 in Spl.C.No.152/2021 on the file of XLIX Additional City Civil & Sessions Judge (Special Judge for the trial of NIA Cases) (CCH-50), Bengaluru has preferred this appeal.

2. Appellant and 145 others have been charge sheeted in the said case for the offences punishable under Sections 15, 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 (for short 'UAP Act'), Sections 143, 147, 307, 436, 353, 332, 333, 427, 504, 506 read with Sections 149 and 34 of IPC, 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 (for short 'KPDLP Act'). Against appellant, Sections 16, 18 and 20 of UAP Act, Sections 120B, 34, 149 read with Sections 143, 145, 147, 188, 427, 436 and 353 of IPC and Section 2 of KPDLP Act was invoked.



3. Appellant filed bail application before the trial Court claiming that he is falsely implicated in the case and he is in judicial custody since five years without trial. The same was opposed by the prosecution. The trial Court on hearing the parties by the impugned judgment and order has rejected his bail application on the following grounds:

(i) That there is *prima-facie* material to show involvement of the appellant in the crime.

(ii) Delay in trial is because of the calculated acts of the accused themselves. Therefore appellant cannot make the same as ground.

(iii) Section 43D(5) of UAP Act bars grant of bail as *prima-facie* case is forthcoming against the appellant.

4. The said order is challenged in the above case. Heard both side.

5. Sri Akarsh S Kanade, learned Counsel for the appellant reiterating the ground of appeal and grounds urged before the trial Court contended that the appellant is falsely implicated in the case and he is in custody without trial since five years. He also submitted that some of the co-accused have been granted bail by the trial Court, therefore the trial Court



was in error in rejecting the bail application of the appellant. He further submitted that the mother of the appellant is suffering from carcinoma and she is solely dependant on him. Therefore, he is entitled to bail.

6. In support of his submissions, he relied on the following judgments:

1. **Union of India v. K.A.Najeeb**¹
2. **Shaheen Welfare Association v. Union of India and ors.**²
3. **Ajay Ajit Peter Kerkar v. Directorate of Enforcement & Anr.**³
4. **Muzammil Pasha & ors. v. National Investigating Agency**⁴
5. **Ateeq Ahmed v. National Investigation Agency**⁵

7. Per contra, Sri P.Prasanna Kumar, learned Special Public Prosecutor justifies the impugned order on the ground that there is sufficient material to show involvement of the appellant in antinational activities. He submits that the appellant did not even spare the police and the police station. Absolutely there was no delay on the part of the prosecution, it was the strategy of the accused themselves which had led to the delay.

¹ (2021) 3 SCC 713

² (1996) 2 SCC 616

³ CrI.A.Nos.2601-2602/2024 D.D.16.05.2024

⁴ WP No.1417/2021 & Connected matters, D.D.10.06.2021

⁵ CrI.A.793/2024 D.D.18.06.2024



So far as granting bail to some of the co-accused, he submits that they were not facing allegations of offences under UAP Act. Therefore parity does not apply, whereas the bail application of the similarly situated accused were rejected by the trial Court, confirmed by this Court and the Hon'ble Apex Court. He submits that the judgments relied on by appellant's Counsel are not applicable.

8. In support of his submissions, he relies on the following judgments:

1. **Shaikh Muhammed Bilal & Ors. v. National Investigating Agency⁶**
2. **Mohammed Kaleem Ahmed v. National Investigating Agency⁷**
3. **Imran Ahmed @ Imran Khan v. National Investigating Agency⁸**
4. **Mohamed Shariff v. National Investigating Agency⁹**
5. **Ateeq Ahmed v. National Investigating Agency¹⁰**
6. **Imran Ahmed v. National Investigating Agency¹¹**
7. **Suhail Basha v. National Investigating Agency¹²**
8. **Mr.Firoz Pasha v. National Investigating Agency¹³**
9. **Rubah Waqas & Ors. v. National Investigating Agency¹⁴**

⁶ CrI.A.Nos.585/2021 C/W 576/2021, 582/2021, 745/2021- D.D.15.09.2021

⁷ SLP (CrI.) No.848/2022 – D.D.28.02.2022

⁸ CrI.A.No.1640/2021 – D.D.22.12.2021

⁹ 2022 SCC Online Kar 662

¹⁰ CrI.A.814/2022 C/w CrI.A.788/2022 – D.D.19.07.2022

¹¹ CrI.A.124/2023 – D.D.29.05.2023

¹² CrI.A.1631/2023 – D.D.25.01.2024

¹³ CrI.A.47/2024 – D.D.15.02.2024

¹⁴ CrI.A.827/2024 C/w CrI.A.828/2024 - D.D.30.08.2024



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10. **Shabbar Khan v. National Investigating Agency¹⁵**
11. **National Investigating Agency v. Zahoor Ahmed Shah Watali¹⁶**
12. **Suneel Roy v. State of U.P. & Ors.¹⁷**
13. **Suresh Jaiswal v. D.M., Lucknow and ors.¹⁸**
14. **Virupakshappa Gouda v. State of Karnataka¹⁹**
15. **Varinder Kumar v. State of Himachal Pradesh²⁰**
16. **Kareem @ Sadam v. State by National Investigating Agency²¹**
17. **Mr.Ziya Ur Rehman @ Ziya v. National Investigating Agency²²**
18. **Mohammed Shariff v. The State of Karnataka²³**

9. On hearing both sides and on examination of the materials on record, the point that arises for consideration is ***"whether the impugned order of rejection of the bail application of the accused is sustainable"***?

Analysis

10. Case of the prosecution in brief is as follows:

(i) That prime accused in the case with some political aspirations to grab votes of Muslims, conspired to create unrest in the society on religious lines and in that direction to provoke others, accused No.19 made facebook post belittling Hindu

¹⁵ Spl. Leave to Appeal No.17214/2024 – D.D.13.02.2025

¹⁶ (2019) 5 SCC 1

¹⁷ 1998 SCC OnLine ALL 1178

¹⁸ 1986 SCC OnLine ALL 462

¹⁹ (2017) 5 SCC 406

²⁰ (2020) 3 SCC 321

²¹ CrI.A.No.238/2025 – D.D.01.07.2025

²² CrI.A.Nos.767/2024 C/W 34/2024 – D.D.29.07.2025

²³ CrI.A.1824/2024 - D.D.07.08.2025



deities to invoke reaction of Naveen, a nephew of Shri Akhanda Srinivasa Murthy, MLA of Pulakeshi Nagar constituency, tagged him to the said post. In response to such post, Naveen posted some message about Prophet Mohammed on his facebook.

(ii) That on 11.08.2020 at 7.45 p.m. Moulvi named Sri Firdous Pasha had lodged the complaint before D.J.Halli Police Station against Naveen alleging blasphemy of Prophet Mohammed and hurting religious sentiments of persons belonging to particular religion. Based on such complaint, first information report was registered against him. Despite that at 8.00 p.m. accused No.4 K.M.Wajid Pasha accompanied by 50 persons gathered at D.J.Halli police station demanding arrest of Naveen. By that time, appellant with extreme religious ideologies on social network like whatsapp, phone calls etc. started instigating others to assemble at D.J.Halli police station, thus huge number of accused assembled at D.J.Halli police station and started insisting to register their complaints though case was already registered. They started demanding to handover Naveen to them. Ultimately, the mob turned into assembly of 800 to 1500 people, shouting slogans against the police of pouring petrol and burning the police station. Despite attempt of the police to control them, at 8.45 p.m. aggressive



group forcibly entered D.J.Halli police station with weapons, stones, sticks, rods and started damaging the police station building and attacked the police personnel.

(iii) Ultimately, proclamation under Section 144 of Cr.P.C was imposed and through public announcement requisition was made to disperse the mob. But the mob did not heed to that. Ultimately, mob overpowering the police proceeded to cellar and set fire to sixty seven (67) Government vehicles including both four wheelers and two wheelers parked in the police station. The police resorted to lathi charge and tear gas charging. That also did not yield any result. After issuance of warning to the mob, police were forced to take recourse to firing to disperse the mob. The mob attempted to grab the weapons of the police. In police firing several people were injured, two persons died at the spot and many police personnel also suffered injuries in the hands of attackers.

11. The allegations against accused No.5/appellant is that on learning about derogatory facebook post by Naveen, he reached D.J.Halli police station in conspiracy with accused No.3 and others, mobilized many people at the scene of offence provoked them and participated in violent acts of damaging the property in the police station, obstructing the police from



performing the duties and pouring petrol on vehicles and setting them on fire.

Reg. *Prima facie* case:

12. So far as *prima-facie* case, appellant does not dispute occurrence of the incident, but claims that his name does not figure in the first information report and subsequently he is falsely implicated. Legal principles in consideration of bail applications is no more *res integra*. In this regard, the Hon'ble Supreme Court in the judgment in **Zahoor Ahmad Shah Watali's** case referred to *supra* relying on several of its earlier judgments, at the stage of consideration of bail application has laid down the following principles:

(i) At the stage of consideration of bail application, the duty of the Court is to satisfy whether there are reasonable grounds for believing that accusation against the accused is *prima-facie* true;

(ii) For that purpose, the **Court has to examine the materials or the evidence collected by the Investigating Officer** with reference to the accusations;

(iii) Degree of satisfaction of *prima-facie* case **at bail stage is lighter than such satisfaction at the stage of framing of charges or trial;**



(iv) It is necessary on the part of the Court to see that culpability of the accused and involvement of the accused in commission of organized crime directly or indirectly;

(v) Antecedents and propensities of the accused, nature and the manner in which the offence is committed; &

(vi) Once the charges are framed, it would be safe to assume that a very strong suspicion is founded upon the materials before the Court.

13. The trial Court relied upon the charge sheet materials and the statements of LWs.25 and 27 who are protected witnesses. Before this Court, learned Special Public Prosecutor produced copies of statements of LWs.25, 27, 122 and 124. LWs.25 and 27 are the statements of eyewitnesses who are head constables of the said police station and LWs.122 and 124 are the statements of other eyewitnesses. They speak about the incident, presence of appellant along with other accused. They also speak about appellant along with other accused instigating other members of the mob, vandalizing police station, the appellant pouring petrol and burning vehicles in the police station and obstructing the police from performing their duties. Considering the same, the trial Court rightly held



that name of the appellant not appearing in first information report is not fatal.

14. It is settled law that first information report is not encyclopedia and other materials also has to be examined. The Investigating Officer has collected call detail records of the appellant to show that he contacted the other accused persons during the incident and tower location of his mobile phone indicated his presence at D.J.Halli police station area. As per the charge sheet records, the Investigating Officer sent the seized mobile phone of the appellant to FSL to retrieve the data and as per FSL Report, the appellant found to have received voice message from accused No.21 exhorting Muslims to gather at D.J.Halli police station and even to be ready to martyr themselves. The call detail records revealed that he received 14 calls and made 28 outgoing calls during the relevant time. Hence, the trial Court was justified in holding that there was *prima-facie* material against the appellant.

Reg. Delay in trial:

15. So far as delay in trial, the trial Court in para 22 of the impugned order has observed that the accused themselves have delayed the trial by repeatedly filing applications and such



applications were filed consecutively by each of the accused, though common advocate was representing same sets of the accused. Having regard to that, learned Special Public Prosecutor was asked to submit the list of applications filed by the accused and their results.

16. Learned Special Public Prosecutor submitted the statement of applications filed by the accused before the trial Court with their result and the statement of the cases filed by the accused before this Court which are as follows:

Bail Applications /Interim bail Applications

Sl. No.	Name and number of Accused	Date of filing	Status	Date of Disposal
1	Mohammed Tousif (A-12)	01.04.2021	Rejected	23.04.2021
2	Syed Afnan (A-25)	25.02.2021	Allowed	25.02.2021
3	Fairoz (A-26)	22.02.2021	Allowed	22.02.2021
4	Sadaf Baig (A-27)	22.02.2021	Allowed	22.02.2021
5	Masood Ahamed (A-28)	22.02.2021	Allowed	22.02.2021
6	Syed Akmal (A-29)	22.02.2021	Allowed	22.02.2021
7	Izaz Pasha (A-30)	22.02.2021	Allowed	22.02.2021
8	Syed Saitu (A-31)	01.03.2021	Allowed	01.03.2021
9	Sohrab Pasha @ Saurab Pasha (A-32)	22.02.2021	Allowed	22.02.2021
10	Syed Sameer (A-33)	22.02.2021	Allowed	22.02.2021
11	Saif Sha (A-34)	22.02.2021	Allowed	22.02.2021
12	Syed Nawaz (A-35)	22.02.2021	Allowed	22.02.2021
13	Mohammed Umar Farooq (A-36)	01.07.2021	Allowed	01.07.2021
14	Shabeer @ Allabakash (A-37)	19.03.2021	Allowed	19.03.2021



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15	Irfan (A-38)	20.02.2021	Allowed	20.02.2021
16	Sawood Khureshi (A-39)	20.02.2021	Allowed	20.02.2021
17	Imran Khan (A-40)	20.02.2021	Allowed	20.02.2021
18	Juberullah Khan @ Juber (A-41)	20.02.2021	Allowed	20.02.2021
19	Syed Arfath @ Arfta (A-42)	20.02.2021	Allowed	20.02.2021
20	Irfan (A-43)	22.02.2021	Allowed	22.02.2021
21	Roshan Jameer (A-44)	20.02.2021	Allowed	20.02.2021
22	Syed Shabaz (A-45)	20.02.2021	Allowed	20.02.2021
23	Syed Farman (A-46)	23.02.2021	Allowed	23.02.2021
24	Athiq Ahmed (A-47)	22.02.2021	Allowed	22.02.2021
25	Abdul Wajeed (A-48)	23.02.2021	Allowed	23.02.2021
26	Mohammed Arif (A-49)	20.02.2021	Allowed	20.02.2021
27	Javeed (A-50)	20.02.2021	Allowed	20.02.2021
28	Arfath Pasha (A-51)	20.02.2021	Allowed	20.02.2021
29	Fayaz Sheikha Hussain (A-52)	20.02.2021	Allowed	20.02.2021
30	Nizamuddin (A-53)	20.02.2021	Allowed	20.02.2021
31	Sameer (A-55)	23.02.2021	Allowed	23.02.2021
32	Syed Pasha (A-56)	20.02.2021	Allowed	20.02.2021
33	Syed Nawaz (A-57)	22.02.2021	Allowed	22.02.2021
34	Abdul Rehman (A-58)	25.02.2021	Allowed	25.02.2021
35	Tanveer (A-59)	23.02.2021	Allowed	23.02.2021
36	Syed Salman (A-60)	26.02.2021	Allowed	26.02.2021
37	Irshad Ahmed (A-61)	23.02.2021	Allowed	23.02.2021
38	Hussain Sharif (A-62)	26.02.2021	Allowed	26.02.2021
39	Mubarak (A-63)	22.02.2021	Allowed	22.02.2021
40	Mohammed Irfan (A-64)	20.02.2021	Allowed	20.02.2021
41	Mohammed Tanveer Pasha (A-65)	20.02.2021	Allowed	20.02.2021
42	Muheeb Hussain (A-66)	20.02.2021	Allowed	20.02.2021
43	Thufel Ahmed (A-67)	20.02.2021	Allowed	20.02.2021
44	Mohammed Bilal (A-68)	20.02.2021	Allowed	20.02.2021



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45	Mohammed Faiz Pasha (A-69)	20.02.2021	Allowed	20.02.2021
46	Mohammed Roshan Inayath (A-70)	20.02.2021	Allowed	20.02.2021
47	Tabrez Hussain (A-71)	20.02.2021	Allowed	20.02.2021
48	Faraz Pasha (A-72)	20.02.2021	Allowed	20.02.2021
49	Syed Zibran (Earlier A-73)	20.02.2021	Allowed	20.02.2021
50	Syed Safeer Ahmed (A-74)	20.02.2021	Allowed	20.02.2021
51	Syed Sameer Ahmed (A-75)	20.02.2021	Allowed	20.02.2021
52	Tauseef Ahmed (A-76)	20.02.2021	Allowed	20.02.2021
53	Altaf Pasha (A-77)	20.02.2021	Allowed	20.02.2021
54	Syed Fayaz Basha (A-78)	20.02.2021	Allowed	20.02.2021
55	Sameer (A-79)	20.02.2021	Allowed	20.02.2021
56	Mohammed Arshad (A-80)	20.02.2021	Allowed	20.02.2021
57	Shaik Altaf (A-81)	20.02.2021	Allowed	20.02.2021
58	Ansar (A-82)	20.03.2021	Allowed	20.03.2021
59	Shaik Ajmal Ansar (A-83)	20.02.2021	Allowed	20.02.2021
60	Ayazuddin (A-84)	01.03.2021	Allowed	01.03.2021
61	Babu Sajjad (A-85)	22.02.2021	Allowed	22.02.2021
62	Syed Dadapeer (A-86)	09.03.2021	Allowed	09.03.2021
63	Syed Javeed (A-87)	22.02.2021	Allowed	22.02.2021
64	Syed Nawaz (A-88)	01.03.2021	Allowed	01.03.2021
65	Mohammed Arbaz (A-89)	12.03.2021	Allowed	12.03.2021
66	Mohammed Ifthekar (A-90)	26.02.2021	Allowed	26.02.2021
67	Syed Fazeel (A-91)	20.02.2021	Allowed	20.02.2021
68	Javed Shariff (A-92)	20.02.2021	Allowed	20.02.2021
69	Syed Mujahid (A-93)	01.03.2021	Allowed	01.03.2021
70	Imran Pasha (A-94)	20.02.2021	Allowed	20.02.2021
71	Mohammed Siddiq (A-95)	20.02.2021	Allowed	20.02.2021
72	Ahmed Ali Baig (A-96)	23.02.2021	Allowed	23.02.2021
73	Syed Altaf (A-97)	06.03.2021	Allowed	06.03.2021
74	Syed Sadik (A-98)	20.02.2021	Allowed	20.02.2021



75	Syed Usman (A-99)	26.02.2021	Allowed	26.02.2021
76	Touseef (A-100)	20.02.2021	Allowed	20.02.2021
77	Abdul Riyaz (A-101)	20.02.2021	Allowed	20.02.2021
78	Mehaboob Pasha (A-102)	20.02.2021	Allowed	20.02.2021
79	Sikander (A-103)	20.02.2021	Allowed	20.02.2021
80	Azgar Ahamed (A-104)	20.02.2021	Allowed	20.02.2021
81	Irfan (A-105)	20.02.2021	Allowed	20.02.2021
82	Salman Khan (A-106)	20.02.2021	Allowed	20.02.2021
83	Karim Pasha (A-107)	24.04.2021	Allowed	24.04.2021
84	Mohammed Liyakath (A-108)	04.03.2021	Allowed	04.03.2021
85	Syed Adnan (A-109)	24.05.2021	Allowed	24.05.2021
86	Shadab (A-110)	20.02.2021	Allowed	20.02.2021
87	Mohammed Abbas (A-111)	20.02.2021	Allowed	20.02.2021
88	Shaik Ameen (A-112)	20.02.2021	Allowed	20.02.2021
89	Syed Imthiyaz Ahmed (A-113)	20.02.2021	Allowed	20.02.2021
90	Mohammed Sawood (A-114)	20.02.2021	Allowed	20.02.2021
91	Mohammed Imran (A-115)	20.02.2021	Allowed	20.02.2021
92	Thousif Khan (A-116)	20.02.2021	Allowed	20.02.2021
93	Mohammed Aftab (A-117)	20.02.2021	Allowed	20.02.2021
94	Arbaz Khan (A-118)	20.02.2021	Allowed	20.02.2021
95	Syed Shabaz (A-119)	20.02.2021	Allowed	20.02.2021
96	Mushthak Ahmed (A-120)	20.02.2021	Allowed	20.02.2021
97	Wasim (A-121)	20.02.2021	Allowed	20.02.2021
98	Mohammed Mudasir (A-122)	20.02.2021	Allowed	20.02.2021
99	Syed Yaseen (A-123)	20.02.2021	Allowed	20.02.2021
100	Shanur @ Shaanur (A-124)	20.02.2021	Allowed	20.02.2021
101	Afroz Alam @ Aproz Alam (A-125)	20.02.2021	Allowed	20.02.2021
102	Sheik Ameen (A-126)	20.02.2021	Allowed	20.02.2021
103	Syed Sikandar (A-127)	20.02.2021	Allowed	20.02.2021
104	Mohammed Azar (A-128)	20.02.2021	Allowed	20.02.2021



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105	Firoz Khan (A-129)	20.02.2021	Allowed	20.02.2021
106	Syed Imran (A-130)	20.02.2021	Allowed	20.02.2021
107	Irfan Khan (A-131)	20.02.2021	Allowed	20.02.2021
108	Mukbul @ Maqbool (A-132)	20.02.2021	Allowed	20.02.2021
109	Tousif Pasha (A-133)	20.02.2021	Allowed	20.02.2021
110	Syed Imran @ Mirchi (A-134)	20.02.2021	Allowed	20.02.2021
111	Atteq Ahmed (A-16) Shafi Khan (A-17) Shahid Pasha Vali (A-18) Tabrez (A-23) Abdul Baseer (A-24)	07.12.2021	Rejected	25.03.2022
112	Suhail Basha (A-6)	30.06.2022	Rejected	20.07.2022
113	Suhail Basha (A-6)	21.09.2022	Withdrawn	10.10.2022
114	Mohammed Arbaj (A-89)	07.12.2022	Allowed	09.12.2022
115	Suhail Basha (A-6)	21.06.2023	Rejected	07.08.2023
116	Mohammed Tousif (A-12)	12.05.2023	Rejected	28.08.2023
117	Wajid Pasha (A-4)	31.10.2023	Allowed for 1 day	31.10.2023
118	Syed Khalid (A-9)	27.11.2023	Allowed for 1 day	27.11.2023
119	Farooq (A-15)	12.01.2024	Allowed for 1 day	23.01.2023
120	Baseer (A-24)	27.10.2022	Rejected	14.11.2024
121	Abdul Wajeed (A-48)	20.01.2024	Allowed	23.01.2024
122	Ateeq Ahmed (A-16)	01.04.2024	Partly Allowed	11.04.2024
123	Wajid Pasha (A-4)	16.04.2024	Allowed for 1 day	16.04.2024
124	Imran Khan (A-40) Mohammed Arif (A-49)	19.06.2024	Rejected	22.06.2024
125	Suhail Basha (A-6)	01.07.2024	Allowed for 1 day	01.07.2024
126	Ateeq Ahmed (A-16)	15.07.2024	Rejected	30.07.2024
127	Mohammed Arbaj (A-89)	04.11.2024	Allowed	12.11.2024
128	Syed Nawaz (A-35) Irfan (A-105)	05.11.2024	Allowed	12.11.2024



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129	Afzal Basha (A-5)	05.03.2025	Rejected	24.03.2025
130	Wajid Pasha (A-4)	02.04.2025	Rejected	03.05.2025
131	Syed Pashavali (A-18)	11.06.2025	Withdrawn	12.06.2025
132	Mohammed Tousif (A-12) Shabaz (A-13) Shameel Pasha (A-20) Tanveer Khan (A-21)	21.05.2025	Dismissed as withdrawn	23.08.2025
133	Tabrez (A-23)	25.07.2025		Pending
134	Suhail Basha (A-9)	03.09.2025		Pending
135	Shafi Khan (A-17) Shahid Pasha Vali (A-18) Tabrez (A-23) Abdul Baseer (A-24)	03.09.2025		Pending

Application seeking examination of sanction order

Sl. No.	Name and number of Accused	Date of filing	Status	Date of Disposal
1	A-1. Muzammil Pasha A-2. Syed Masood A-3. Syed Ayaz A-4. Wajid Pasha KM A-5. Afzal Basha A-6. Suhail Basha A-7. Rakib Sharif A-8. Mohammed Zaid A-9. Syed Khalid A-10. Mudasir Ahamed A-11. Mubarak @ Dicchi Mubarak A-15. Farooq A-16. Ateeq Ahmed A-17. Shafi Khan A-18. Shahid Pasha Vali A-19. Fairoz Pasha A-22. Firdous Khan A-23. Tabrez	07.11.2024	Partly Allowed	10.02.2025



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Application for transfer of cases

Sl. No.	Name and number of Accused	Date of filing	Status	Date of Disposal
1	A-25, 27, 30, 32, 33,34,36, 37, 38, 46, 55, 56, 59, 60, 80, 88, 90, 94, 97, 98, 99, 106 & 107	21.08.2025	Rejected	24.03.2025

Application under Section 229 of Cr.P.C. (Plead Guilty)

Sl. No.	Name and number of Accused	Date of filing	Status	Date of Disposal
1	Syed Khalid (A-9)	14.08.2025		Pending
2	Mohammed Tousif (A-12) Shabaz (A-13) Farooq (A-15) Shameel Pasha (A-20) Tanveer Khan (A-21) Firdous Khan (A-22)	19.08.2025		Pending

Application for discharge

Sl. No.	Name and number of Accused	Date of filing	Status	Date of Disposal
1	Fairoz Pash (A-19)	18.04.2022	Dismissed	Not Pressed

Petitions and Appeals filed before this Court

Sl. No.	Case No.	Name and number of Accused	Brief History of case	Last hearing	Next hearing	Remarks
1	WP.18017/2021	Muzamil Pasha (A1)	To quash the FIR	29.09.2021	Dismissed	Rejected on 05.04.2023
2	WP.9277/2021	Ateeq Ahmed (A-16)	To declare Charge sheet filed against him is sham and fictitious and stay operation of UAPA	21.04.2021	Dismissed	Rejected on 05.04.2023



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3	WP.7017/2025	A-1. Muzammil Pasha A-2. Syed Masood A-3. Syed Ayaz A-4. Wajid Pasha KM A-5. Afzal Basha A-6. Suhail Basha A-7. Rakib Sharif A-8. Mohammed Zaid A-9. Syed Khalid A-10. Mudasir Ahamed A-11. Mubarak @ Dicchi Mubarak A-15. Farooq A-16. Ateeq Ahmed A-17. Shafi Khan A-18. Shahid Pasha Vali A-19. Fairoz Pasha A-22. Firdous Khan A-23. Tabrez	Writ petition filed challenging the partly order passed by NIA court on 10.02.2025 wherein the Hon'ble NIA court summoned documents related to Sanction order from MHA. Writ to quash impugned order dated 10.02.2025 & IA to stay proceedings	07.03.2025	Dismissed	Dismissed on 26.04.2025
4	Crl.P.5188/2025	Afzal Basha (A-5)	Petition filed by A-5 Afzal Basha challenging bail rejection order of NIA Court on 24.03.2025	03.04.2025	Dismissed	Dismissed as withdrawn on 30.06.2025
5	Crl.A.1810/2025	Mohammed Tousif (A-12)	Appeal filed by A-12 Mohammed Tousif challenging bail application rejected by NIA special Court	12.09.2023	Dismissed	Dismissed as withdrawn on 13.08.2025
6	Crl.P.6141/2020	Syed Khalid (A-8)	Grant of bail	05.11.2020	Dismissed	Dismissed on 17.11.2020
7	Crl.A.1308/2020	Maheeb Hussain, Tufail Ahmed, Syed Sufair Ahmed and Syed Sameer Ahmed	Challenging bail rejection by NIA Special Court	14.12.2020	Dismissed	Dismissed on 21.01.2021
8	Crl.A.1314/2020	Fairoz (A-19)	Challenging bail rejection by NIA Special Court	02.12.2020	Dismissed	Dismissed on 27.01.2024



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9	WP.939/2021	Muzamil Pasha (A-1)	Memo filed for withdrawal of the petition on the ground that the police have already filed charge sheet	10.02.2021	Dismissed	Dismissed as withdrawn on 26.02.2021
10	WP.1299/2021	Syed Masood (A-2) Syed Ayaz (A-3) Syed Shabbir (A-37) Shabaz (A-45) Syed Pasha (A-56) Abdul Rahman (A-58) Hussain Shariff (A-62) Tufail Ahmed (A-67) Mohammed Roshan Inayath (A-70) Syed Safeer Ahmed (A-74) Mohammed Arshad (A-80) Ayazuddin (A-84) Mohammed Zaid (A-8) Syed Mujahid Syed Altaf (A-97)	Challenging the order dated 03.11.2020 passed by the said Court on an application filed by the respondent-National Investigating Agency seeking extension of time for completion of investigation and the order dated 05.01.2021 passed by the said Court rejecting the applications filed by the petitioners under Section 167(2)	19.01.2021	Allowed	Allowed on 10.06.2021
11	Crl.A.640/2021	Sawood Khureshi (A-39) Imran Khan @ Imran (A-40) Juberulla Khan @ Juber (A-41) Syed Arfath @ Arfath (A-42) Syed Shahbaz (A-45) Mubarak (A-11) Arfath Pasha (A-51) Fayaz (A-52) Nizamuddin (A-53) Mohammed Shafiq (A-54) Syed Imtiyaz Ahmed (A-113) Moahammed Sawood (A-114) Mohammed Irfan (A-64) Mohammed Roshan Inayath (A-70) Syed Zibran (A-73) Syed Safeer Ahmed (A-74)	Challenging the order dated 03.11.2020 passed by the said Court on an application filed by the respondent-National Investigating Agency seeking extension of time for completion of investigation and the order dated 05.01.2021 passed by the said Court	30.11.2020	Allowed	Allowed on 10.06.2021



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		Syed Sameer Ahmed (A-75) Arbaaz Khan (A-118) Sameer (A-79) Syed Shabaz (A-119) Mohammed Arshad (A-80) Musthak Ahmed (A-120) Mohammed Mudaseer (A-122) Sheik Ameen (A-126)	rejecting the applications filed by the petitioners under Section 167(2)			
12	CrI.A.582/2021	Syed Khalid (A-9) Mudasir Ahmed (A-10) Dicchi Mubrak (A-11) Mohammed Tousif (A-12) Shabaz M (A-13) Arif Pasha (A-14) Farooq (A-15) Shameel Pasha (A-20) Tanveer Khan (A-21)	Challenging bail rejection by NIA Special Court	24.05.2021	Dismissed	Dismissed on 15.09.2021
13.	CrI.A.576/2021	Syed Ikram Uddin (A-14)	Challenging bail rejection by NIA Special Court	24.05.2021	Dismissed	Dismissed on 15.09.2021
14.	CrI.A.1067/2020	Syed Khalid (A-8)	Challenging bail rejection by NIA Special Court	05.11.2020	Dismissed	Not comply of office objections. Dismissed on 05.02.2021
15.	WP.16167/2021	Wajid Pasha (A-4) Afzal Basha (A-5) Suhail Basha (A-6) Syed Khalid (A-9) Fairoz Pasha (A-19) Firdouse Khan (A-22)	Praying to set aside the rejection order by NIA Special Court (Default bail)	31.08.2021	Dismissed	Rejected on 12.12.2021
16	CrI.A.1878/2022	Suhail Basha (A-6)	Challenging bail rejection by NIA Special Court	17.10.2022	Dismissed	Dismissed on 14.06.2023
17	WP.19012/2021	Mujamil Pasha (A-1)	Challenging order of NIA Court passed on 27.09.2021, rejecting the application filed by the petitioner under Section 207 of the Cr.PC.	21.10.2021	Allowed	Allowed on 06.06.2022



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18	Crl.A.814/2022	Ateeq Ahmed (A-16) Shafi Khan (A-17) Shahid Pasha Vali (A-18) Tabrez (A-23) Abdul Baseer (A-24)	Seeking 16, 17, 18, 23 & 24 seeking the relief of bail	28.04.2022	Dismissed	Dismissed on 19.07.2022
19	Crl.A.793/2024	Ateeq Ahmed (A-16)	Seeking medical bail for 90 days	10.06.2024	Allowed	Allowed on 29.05.2024 . Granted 60 days medical bail
20	Crl.A.47/2024	Firoz Pasha (A-19 in DJ Halli case and A-1 in KG Halli Case)	Challenging bail rejection by NIA Special Court	04.01.2024	Dismissed	Dismissed on 15.02.2024
21	WPHC. 80/2020	Shafiulla (A-54)	Petition urged that A-54 is minor and as such his detention is illegal.	15.10.2020	Allowed	Allowed on 09.02.2021
22	Crl.A.1631/2023	Suhail Basha (A-6)	Filed by A-6 Suhail Basha to set aside impugned order dated 10.02.2023 IA filed to call case diary	29.08.2023	Dismissed	Dismissed on 25.01.2024
23	Crl.P.5626/2022	Syed Nawaz (A-35) Irfan Pasha (A-43) Roshan Jameer (A-44) Syed Farman (A-46) Athiq Ahmed (A-47) Mohammed Tanveer (A-65) Tabrez Hussain (A-71) Thouseef Ahmed (A-76) Ansar (A-82) Syed Dadapeer (A-86) Mohammed Ifthekar (A-90) Syed Salman @ Syed Mujahid (A-93) Imran Pasha (A-94) Syed Altaf (A-97)	Criminal Petition is filed to quash the charge sheet filed against them	16.06.2022	Dismissed as withdrawn	Dismissed as withdrawn on 27.03.2025



		Thouseef (A-100) Sikander (A-103) Irfan (A-105) Salman Khan (A-106) Karim Pasha @ Lala (A-107) Mohammed Liyakath (A-108) Syed Adnan (A-109)				
24	RP.544/2023	Ateeq Ahmed (A-16)	Revision Petition challenging the order in Writ Petition No.9277/2021	15.11.2023	Allowed	Allowed on 27.03.2025

17. The above statement clearly shows that the accused themselves are delaying the proceedings, strategically to make such delay a ground to seek bail. Examination of the earlier orders of the trial Court on the official website of the concerned Court shows that since 2021 though the matter was being posted for hearing regarding framing of charges, by filing one or the other applications, accused themselves are causing obstructions in achieving progress in the case. They further show that as one or the other accused did not appear on the appointed date, non-bailable warrants and proclamations were being issued by the trial Court. Applications for bail or discharge are being filed consecutively by individual accused instead of filing them collectively, though some set of accused are represented by common advocate. Other strategy is that they



keep changing advocates and changed lawyers seek adjournments. Therefore delay cannot be attributed either to the prosecution or the trial Court. The accused being themselves cause for delay, cannot be permitted to reap the benefit of their own mistake on ground of delay.

Reg. Parity:

18. Further, there is no dispute that similarly situated accused i.e. accused No.6 approached this Court in Crl.A.No.1631/2023 challenging rejection of his bail application. The same on hearing came to be dismissed by this Court on 25.01.2024. The said order has attained finality.

19. So far as the contention that some other accused have been granted bail, the trial Court has observed that those accused are not facing the allegations of commission of crime under UAP Act. Nothing is placed on record to show that the accused who were granted bail were also facing the charges under the provisions of UAP Act. So far as medical ground of the mother of the appellant, copy of the ration card produced by the appellant shows that she is living with her husband i.e. father of the appellant and five other siblings of the appellant. Thus there



is no merit in the contention that the mother is solely dependant on him.

Reg. Citations:

20. Perusal of all the judgments relied on by learned Counsel for the appellant shows that, in those cases bail was granted either on the ground of delay in trial or medical grounds of the accused. In the present case, appellant does not plead any of his medical ground. So far as the proposition laid down by the Hon'ble Supreme Court that bar of Section 43D(5) of UAP Act does not oust the ability of the Constitutional Courts to grant bail on the ground of violation of Part III of the Constitution, there cannot be any dispute. However, since the facts of the present case show that delay was on the part of the accused themselves, the said judgments relied on by learned Counsel for the appellant cannot be justifiably applied to the facts of the case on hand.

21. Mahatma Gandhi famously stated, "The true source of rights is duty. If we all discharge our duties, right will not be far to seek". His another related quote is 'Right is duty well performed". Appellant is seeking bail on the ground that his fundamental right to liberty under Article 21 of the Constitution



is violated. He gets that right when he adheres to his fundamental duties encapsulated in Article 51A of the Constitution.

22. For the purpose of this case, following fundamental duties under Article 51A (c)(e)(i) of the Constitution are relevant and the same read as follows:

"51A. Fundamental duties.- It shall be the *duty of every citizen of India*-

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

(b)

(c) to uphold and ***protect the sovereignty, unity and integrity of India***;

(d)

(e) ***to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities***; to renounce practices derogatory to the dignity of women;

(f)

(g)

(h)

(i) ***to safeguard public property and to abjure violence.***"



23. Since there is *prima-facie* material to show that the appellant had indulged in vandalizing the police station, assaulted the police obstructed them from discharging their duties, caused them injuries, tried to damage the public properties, indulged in violence and denting harmony amongst the people on religious lines in breach of the above referred fundamental duties and accused themselves have delayed the proceedings, they cannot seek benefit of Article 21 of the Constitution. There is no merit in the contention that the impugned order of the trial Court is unsustainable. Hence the following:

ORDER

The appeal is dismissed.

**Sd/-
(K.S.MUDAGAL)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**