



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE H.P.SANDESH

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO.1548 OF 2025

BETWEEN:

REESHAAN THAJUDDIN SHEIKH
@ RISHAAN THAJUDDIN @ RISHAN
AGED ABOUT 22 YEARS
S/O THAJUDDIN SHEIKH
HOUSE NO.308, 3RD FLOOR
MEENA ANMOL, SHANTHI NAGAR
2ND CROSS, VARAMBALLI
BARHMAVARA, UDUPI DISTRICT
KARNATAKA STATE
BANGALORE - 560 130



...APPELLANT

(BY SRI USMAN P, ADVOCATE)

AND:

THE NATIONAL INVESTIGATION AGENCY
HIGH COURT BUILDING
BENGALURU - 560 001
REP BY SPECIAL PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560001

...RESPONDENT

(BY SRI P PRASANNA KUMAR, SPL. PP)



THIS CRL.A IS FILED U/S 21(4) OF THE NATIONAL INVESTIGATION AGENCY ACT, 2008 PRAYING TO SET ASIDE THE ORDER DATED 20.05.2025 PASSED IN SPL.C.C.NO.706/2023 ON THE FILE OF THE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE (SPECIAL COURT FOR TRIAL NIA) CCH 50 AT BANGALORE AND ETC.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

This appeal is filed challenging the order of rejection of bail petition dated 20.05.2025 passed in Special Case No. 706/2023 on the file of XLIX Addl. City Civil and Sessions Judge (Special Court for trial NIA cases) CCH-50 at Bangalore for the offences punishable under Sections 120B, 121A, 427 and 435 of IPC, 1860 and Sections 16, 17, 18, 20, 38, 39 and 40 of the Unlawful Activities (Prevention) Act, 1967 (for short, 'the UAP Act of 1967') and Section 2 of the Karnataka State Prevention of Destruction and Loss of Property Act, 1981.



2. Heard the learned counsel appearing for the respective parties.

3. The main allegation against the present appellant/accused No.4 is set out in paragraph 19 of the order of the Trial Court that he is a member of the proscribed terrorist organization, Islamic State and was radicalized and recruited by accused No.2 who is his college mate at PA College of Engineering, Mangaluru. As part of a larger conspiracy, accused No.4 allegedly participated in reconnaissance and arson activities in Mangaluru with an intention to wage war against the Government of India. He is also accused of facilitating the transfer of terror funds by sharing cryptocurrency wallet details, converting the received funds into cash and handing it over to accused No.2. Additionally, he allegedly purchased a Honda Activa for use in these activities, funded by money received through an online handler named "Colonel". The Investigating Officer has gathered both oral and documentary evidence to support these claims.

4. This accused was arrested on 05.01.2023. At the time of arrest, the personal search was conducted and one



black Redmi Note 5 Pro mobile phone with an Airtel SIM card and a micro SD card was seized from accused No.4 and his voluntary statement was also recorded wherein accused No.4 disclosed that he was a college mate of accused No.2 – Maaz Muneer Ahmed at P A College, Mangaluru. He stated that accused No.2 radicalised and recruited him to further the activities of the proscribed terrorist organisation, Islamic State. Accused No.2 allegedly sent him videos/PDFs related to ISIS, the beheading of kafirs, jihad, bayans of radicalised maullana and videos demonstrating arson and the use of Molotov cocktails (petrol bombs). He also stated that he received crypto-currency into his Zebpay account from online handlers as well as into the crypto account of his college friend - Shadab. Furthermore, he stated that he along with accused No.2 participated in the arson of an Innova car in Mangaluru and a paint shop in Bramhavara and conducted reconnaissance at several locations in and around Mangaluru. Thus, the sum and substance of allegation against this appellant is that he has involved in the terrorist activities along with accused No.2 who is his college mate.



5. The Trial Court, having considered the material available on record, in paragraphs 21 to 29 noted the involvement of this appellant in the said activities and role played by him and the Trial Court also taken note of the fact that this appellant even engaged in crypto-currency activities which is observed in paragraph 38 and in paragraphs 50 and 53, the Trial Court relied upon the judgments of the Apex Court and rejected the bail petition.

6. The counsel appearing for the appellant would vehemently contend that the Trial Court committed an error in rejecting the bail petition of this appellant. The counsel also would vehemently contend that the Trial Court fails to take note of the grounds urged before it stating that this appellate was not involved in any such acts but proceeded to believe the case of prosecution without any material proof. It is also contended by the counsel that the allegation made against the appellant is based on mere conjunctures and surmises and not based on any material evidence. The counsel also brought to notice of this Court Section 15 of the UAP Act of 1967 with regard to the allegation made against the appellant/accused



No.4 is concerned and contend that none of the ingredients of Section 15 is made out against the accused so as to hold that there are reasonable grounds for believing that the accusation against the appellant is prima facie true. The counsel also would vehemently contend that allegation against the appellant is that he is acting on the directions of accused No.2, shared crypto accounts of his friends and himself to accused No.2 for further got deposited terror funds/crypto-currencies into the said account wallets through online handler for furthering the terrorist activities of Islamic State. The counsel also would vehemently contend that there is no allegation whatsoever to the effect that accused No.4 has committed any criminal conspiracy for the commission of a terrorist act or any act preparatory to the commission of a terrorist act as defined under Section 15 of the UAP Act of 1967. The counsel also would vehemently contend that the allegation against the appellant is that he has committed an offences punishable under Sections 38, 39 and 40 of the UAP Act of 1967 and the same are imaginary and without any material to substantiate the involvement of this appellant in these offences. Hence,



prayed this Court to allow the appeal by setting aside the order of the Trial Court and prays to enlarge the appellant.

7. Per contra, the learned Special Counsel appearing for the respondent would vehemently contend that already charges are framed and trial is also commenced. The counsel also brought to notice of this Court to the detailed statement of objections filed to this appeal along with Annexure-R1 and R2. The counsel would submit that this appellant had involved in transferring the terrorist money and also involved in the acts which against the waging war and the counsel also submits that the final report has been filed by the respondent. The counsel would vehemently contend that it is relevant to examine Section 43D(5) of the UAP Act of 1967 for the purpose of determining the question of bail and the same is extracted in paragraph 16 of the statement of objections. The counsel also would vehemently contend that when the similar allegation is made against accused Nos.6 and 10, the same was considered by this Court and rejected the same as per Annexure-R1 and R2. Hence, appellant has not made out any ground to enlarge him on bail and prays this Court to dismiss the appeal.



8. Having heard the learned counsel appearing for the respective parties, the Point that would arise for the consideration of this appeal is:

1. Whether the appellant has made out the ground to enlarge him on bail by setting aside the order impugned and whether it requires interference of this Court?
2. What order?

Point No.1:

9. Heard the learned counsel appearing for the respective parties and also considered the paragraph 19 of the order of the Trial Court wherein the Trial Court summarized the involvement of the appellant along with accused No.2 who is a college mate in the terrorist activities as part of a larger conspiracy and this appellant participated in reconnaissance and arson activities in Mangaluru with an intention to wage war against the Government of India also in paragraphs 20 to 22 and the Trial Court taken note of the involvement of this accused along with accused No.2 under whom he was working



was taken note of in paragraphs 27 and 28 and involvement in crypto-currency transfers also taken note of in paragraph 38 of the order of the Trial Court and cumulative material was also considered by the Trial Court holding that there is a prima facie material evidence against accused No.4/appellant to show that he is acting to further the objectives of the proscribed terrorist organization, Islamic State.

10. It is also important to note that FSL report revealed the images of electric substations, boatyards, gas stations, oil tankers, shops and various locations identified during the reconnaissance by accused No.4. Additionally, news clippings about the jeep and Innova car were found in the mobile phone of accused No.2 and arson-related images were recovered from the device and the device was also recovered from this accused and the same clearly demonstrates that this appellant actively involved in reconnaissance and arson activities in and around Mangaluru as alleged by the prosecution and the same is taken note of by the Trial Court in paragraph 35. In paragraph 57 also, the Trial Court held that thorough examination of material on record reveals that accused No.4 was a close associate of



accused No.2 and 6. It is evident that accused No.2 played a pivotal role in radicalising and recruiting accused No.4 to further the agenda of the proscribed organisation, Islamic State. Both accused No.2 and accused No.4 are actively involved in conducting reconnaissance and arson activities in and around Mangaluru. Furthermore, it has been established that accused No.4 received funds through Crypto-currency from online handler affiliated with the terrorist outfit and these funds were subsequently utilized to carry out the terrorist activities. The Trial Court further held that the facts which have been taken together provide reasonable grounds to believe that the accusations levelled against accused No.4 are prima facie true.

11. The Trial Court having taken note of all these materials and also in the light of the bar imposed by Section 43D(5) of the UAP Act of 1967 comes to the conclusion that Court is precluded from granting bail when prima facie evidence supports the allegations of involvement in terrorist activities. Having considered the order passed by the Trial Court considering the involvement of the appellant in the acts which has been narrated from paragraph 21 onwards of the order



including the involvement of crypto-currency in paragraph 38 and also taking note of FSL report in paragraph 35 of the order of the Trial Court, this Court is of the opinion that it is not a case for setting aside the order of the Trial Court since the Trial Court in detail discussed the material collected against the appellant which substantiated the prima facie case against him. Hence, appellant/accused No.4 has not made out any ground to enlarge him on bail.

12. The counsel appearing for the respondent in support of his arguments relied upon the judgment of Apex Court reported in **(2024) 7 SCC 576** in the case of **PANKAJ BANSAL vs UNION OF INDIA AND OTHERS** as well as the judgment reported in **(2024) 7 SCC 599** in the case of **RAM KISHOR ARORA vs DIRECTORATE OF ENFORCEMENT**. The counsel also brought to notice of this Court paragraph 45 of the **Pankaj Bansal's** case wherein an observation is made particularly with regard to the statutory mandate of Section 19(1) PMLA of informing the arrested person of the grounds of arrest and also stated 'henceforth' and the same is also explained in the subsequent judgment of **Ram Kishore**



Arora's case. Even on that ground also, the appellant is not entitled for bail having considered the material collected by IO during the investigation and matter requires trial and the same is commenced.

13. Having taken note of the principles laid down in the judgments referred supra as well as considering the material on record, this Court is of the opinion that it is not a case to enlarge the appellant on bail by setting aside the order of the Trial Court. Hence, we answer Point No.1 as negative.

Point No.2:

14. In view of the discussions made above, we pass the following:

ORDER

The criminal appeal is dismissed.

**Sd/-
(H.P.SANDESH)
JUDGE**

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