



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MRS. JUSTICE K.S.MUDAGAL

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO.960/2024 (21(NIA))

BETWEEN:

MR.KICHAN BUHARI @ BUGARI
AGED ABOUT 38 YEARS
S/O SHAIK MOHINUDDIN
R/AT NO.96, VENKATTEKUTTLIL VILLAGE
MELAPALYAM, TIRUNALVELI
TAMIL NADU – 627 005

...APPELLANT

(BY SRI S.BALAKRISHNAN, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY VYALIKAWAL POLICE (CCB)
REP. BY SPL PP
HIGH COURT BUILDING
BENGALURU – 560 001

...RESPONDENT

(BY SRI VIJAYAKUMAR MAJAGE, SPP-II)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(4) OF NATIONAL INVESTIGATION AGENCY ACT PRAYING TO SET ASIDE THE ORDER DATED 23.02.2024 PASSED BY THE XLIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (SPECIAL JUDGE FOR TRIAL OF NIA CASES) CCH-50 AND ENLARGE THE APPELLANT (ACCUSED NO.3) ON BAIL IN S.C.NO.381/2015 (ARISING OUT OF CRIME NO.118/2013 OF VYALIKAWAL POLICE STATION) FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 120B, 121, 121A, 123, 307, 332, 435, 201 OF IPC, SECTIONS 3, 4, 5, 6 OF INDIAN EXPLOSIVE SUBSTANCES ACT, 1908, SECTIONS 3 AND 4 OF PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT, 1984 AND SECTIONS 3, 10, 11, 13, 16, 17, 18, 19 AND 20 OF UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967.

THIS CRIMINAL APPEAL HAVING BEEN HEARD AND RESERVED ON 14.10.2025, 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 dismissal of his bail application, accused No.3 in S.C.No.381/2015 & S.C.No.1347/2016 on the file of XLIX Additional City Civil & Sessions Judge (Special Court for trial of NIA Cases) (CCH-50), Bengaluru has preferred this appeal.

2. Appellant and 22 others are being tried in S.C.No.381/2015 & S.C.No.1347/2016 on the charge that the accused motivated by extreme religious ideologies conspired to wage war against India and indulged in Jihadi activities. In execution of such conspiracy and to take revenge against ruling BJP Government in Karnataka for the arrest of Abdul Nasar Madani they decided to blast bombs near BJP office in Bengaluru, Karnataka. They planted bombs near BJP office, Malleswaram, Bengaluru. Due to explosion of those bombs, the police vehicles, private vehicles suffered damages, police personnel and some public were also injured.

3. Appellant filed application before the Trial Court seeking grant of bail on the ground that there is delay in trial, the prosecution opposed the application on the ground that the



appellant is the mastermind of the crime and there is *prima facie* material to establish his involvement. The prosecution further contended that appellant is involved in several similar cases and has been convicted for terrorist acts and there is no delay on the part of the prosecution in conducting the trial. Hence sought dismissal of the application.

4. The trial Court on hearing the parties, by the impugned order has rejected the application of the appellant on the ground that the offence alleged against the appellant is punishable with death or imprisonment for life and having regard to his antecedents and materials on record, he is not entitled to bail.

5. Heard both side.

Submissions of Sri S.Balakrishnan, learned Counsel for appellant:

6(i) Appellant is languishing in jail since 23.04.2013. There are 273 charge sheet witnesses. Out of them only 78 witnesses have been examined so far. Still large number of witnesses have to be examined. Before NIA Special Court, 70 cases are pending. The trial is getting delayed. The evidence of



PW.50 shows that there was no explosive material in the object examined.

(ii) Though it is contended that the appellant is involved in several other cases, except in one case, he is acquitted in all other cases. Even in that conviction case, he is sentenced to seven years of imprisonment which he has already served. Appeal against the said judgment is pending before Madras High Court. The appellant is suffering from hepatomegaly hydatid disease since 2014. He has undergone surgeries.

(iii) The trial Court rejected the bail application solely on the ground of bar under Section 43D(5) of UAP Act. The offences alleged against the appellant are punishable with imprisonment upto 7 years. Under the circumstances, the trial Court committed gross error in not granting bail.

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

(i) **SK.Javed Iqbal v. State of U.P.**¹

(ii) **Union of India v K.A.Najeeb**²

(iii) **Javed Gulam Nabi Shaikh v. State of Maharashtra**³

¹ (2024) 8 SCC 293

² (2021) 3 SCC 713

³ 2024 SCC Online SC 1693



HC-KAR

NC: 2025:KHC:45356-DB
CRL.A No.960/2024

- (iv) **Manish Sisodia v. Directorate of Enforcement**⁴
- (v) **Mohd.Muslim Alias Hussain v. State (NCT of Delhi)**⁵
- (vi) **Gursewak Singh v. State of Punjab**⁶
- (vii) **Sri Mohan Nayak N. v State of Karnataka**⁷

**Submissions of Sri Vijayakumar Majage, learned SPP-II
for respondent:**

8(i) Appellant was mastermind of the crime. He is the member of banned organization Al-Umma. He conspired with other accused for commission of crime against the State. He entrusted the responsibility for execution of the task/mission of bomb blast to the other accused persons. He procured explosives through accused Nos.16 and 14. He deposited the explosives in the houses of accused Nos.5 to 7 and 11 and transported the same from Coimbatore to Erode in Innova Car and delivered the same to accused No.9. Accused No.9 on receipt of such substance, prepared explosives and explosive device in hiding place in Puttur in Andhra Pradesh. Accused Nos.8 and 9 planted the same in motorcycle and parked the said motorcycle near BJP office situated at Malleshwaram,

⁴ 2024 SCC Online SC 1920

⁵ 2023 SCC Online SC 352

⁶ NC NO.2023: PHHC:143731

⁷ CrI.P.No.7963/2023 DD 07.12.2023



Bengaluru which blasted leading to injuries to the police personnel, public and damage to the properties, thereby, the accused indulged in anti national activities with Jihadi spirit.

(ii) Appellant has indulged in 17 criminal cases in Tamil Nadu, out of which one is pending in NIA Court, Poonamalle, Tamil Nadu. He is convicted in Coimbatore bomb blast case, where 58 people died. There are sufficient incriminating materials against him. The trial was delayed due to lapses of the accused only. Accused Nos.8 to 10 who are lodged in Chennai jail, refused to answer the charges framed against them. The trial commenced in April 2022. So far 78 witnesses are examined, 125 witnesses are given up by the prosecution and the prosecution is going to give up another 40 witnesses. Only 60 witnesses are likely to be examined. The trial is going on day-to-day basis. Accused No.19 was absconding since 1995 and was apprehended belatedly. If appellant is granted bail, he is also likely to be absconded.

(iii) The medical reports secured by this Court show that appellant is being given required treatment and his condition is stable. The judgments relied on by learned Counsel for appellant are not applicable to the facts of the present case.



The trial Court on considering the materials on record and by judicious reasons, has rejected the application. Hence the appeal be dismissed.

9. On considering the submissions of both side and on examination of the materials on record, the question that arises for consideration under the facts and circumstances of the case is ***“whether the trial Court was justified in rejecting the bail application of the appellant?”***

Analysis

10. Appellant and 22 other accused are being prosecuted in S.C.No.381/2015 & S.C.No.1347/2016 for the charges for the offences punishable under Sections 121, 121A, 120B, 123, 307, 332, 435 and 201 of IPC, Sections 3, 4, 5 and 6 of Explosive Substances Act, 1908, Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984 and Sections 3, 10, 11, 16, 17, 18, 19 and 20 of UAP Act.

11. The case of the prosecution is as follows:

(i) That accused No.16 is an active member of banned Islamic organization called Al-Umma. As revenge for demolition of Babri Masjid, he indulged in terrorist activities in India in the



name of Jihad and intended to make India, Islamic country (Dar-ul-Islam). In 1988, he and his aides blasted bombs in Coimbatore to kill BJP leader Sri L.K.Advani, leading to loss of lives of hundreds of people and accused No.16 started Institution called Charitable Trust of Minorities ('CTM' for short) to lend financial assistance to jailed Muslim accused in terrorist cases. He used to raise funds to help them.

(ii) Appellant was in charge of Tirunelveli and Coimbatore Branches of CTM and he used to conduct conspiracy meeting. He had grudge against Karnataka BJP Government on the ground that they are responsible for arrest of Abdul Nasar Madani, an accused of Coimbatore Bomb blast and for not getting bail to him. Under the impression that, if BJP Government comes to power they might drive the Muslim away and not lend any help for release of Muslim youth who are in jail, he decided to wage jihad/war against Karnataka Government. For that purpose he mobilised the other accused to carry out jihadi activities.

(iii) Appellant and accused Nos.2, 5 to 14, 16 and 18 hatched criminal conspiracy for conducting various blasts and wage war against the Government. In furtherance of the



conspiracy and to take revenge against the ruling BJP Government in Karnataka, accused secured explosive materials. In execution of such conspiracy, they fixed time bomb in motorcycle bearing Registration No.TN-22-R-3739 and parked the same near BJP Office. Said bomb exploded leading to extensive damage to KSRP van bearing Registration No.KA-01-G-8473. In the blast, 12 KSRP police personnel, 6 civilians sustained injuries and many vehicles i.e. two wheelers and four wheelers parked near the said place were damaged.

12. Specific role assigned to appellant is that himself and accused Nos.8 to 10 held several conspiracy meetings with other accused in residence of appellant, accused No.13 and other places between October 2012 and April 2013. They motivated other accused and involved them in Jihadi activities to wage war against India and damage economic fabric of India. Appellant was mastermind behind BJP bomb blast case. He entrusted responsibility to the remaining accused. He procured explosives through accused Nos.16 and 14. He deposited those explosives in the house of accused Nos.5, 6 and 7 to 11. He transported the explosives from Coimbatore to Erode by Innova Car and delivered the same to accused No.9.



Accused No.9 on receipt of such substance, hid the said explosives in Puttur in Andhra Pradesh. Upon his instructions, accused Nos.8 and 9 planted the same in motorcycle bearing Registration No.TN-22-R-3739 and left the same near BJP Office which led to blast damaging the properties and injuries to the police personnel and other people.

13. The trial Court on hearing both side held that there are grounds to proceed against the accused and has framed charges. On framing the charges, trial is being conducted. The main grounds for seeking bail are that appellant is in custody for more than 10 years and on his medical issue.

14. So far as the medical ground, on the direction of this Court, Chief Medical Officer, Central Prison, Bangalore submitted report dated 01.04.2025 regarding medical condition of the appellant. The said report shows that the appellant was diagnosed with hepatomegaly with hydatid cyst of liver disease as long back as in the year 2014 and he underwent surgery for the same on 22.09.2014, thereafter required treatment is being provided to him. The report further shows that on 07.08.2023 surgery for recurrent hydatid cyst was done and his health



condition is stable. Therefore the contention that for his medical condition, he needs immediate release cannot be accepted.

15. It was contended that the appellant is in custody for more than 10 years and thereby he has already served the sentence of more than half of the period of sentence prescribed for the offence alleged against him, hence he is entitled for bail.

16. Out of the offences alleged against the appellant, the offence under Section 121 of IPC is punishable with death or imprisonment for life and fine. Therefore the trial Court has rightly rejected the contention that appellant has already undergone detention for more than half of the prescribed period of sentence.

17. So far as involvement of appellant in the offence, the trial Court on hearing both side, found that there are materials to proceed against the accused and framed the charges against him for the aforesaid offence. Appellant admittedly has not challenged the said order. Hon'ble Supreme Court in the judgment in ***Gurwinder Singh v State of Punjab***⁸, has held that once the charges are framed, it would be safe to assume that a very strong suspicion was found upon the

⁸ (2024) 5 SCC 403



materials before the Court which prompted the Court to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged against the accused to justify framing of charge. It is further held that in such cases the accused has arduous task to satisfy the Court that despite framing of charge, the materials presented along with the charge sheet do not make out reasonable grounds for believing that there is no *prima facie* case against him.

18. In this case, the charges are framed and admittedly the same is not challenged. Thus the trial Court was justified in holding that there is *prima facie* case against the accused for the offences alleged against him. Apart from such *prima facie* case, antecedents of accused also become relevant in deciding entitlement for bail.

19. Prosecution contends that appellant is involved in multiple cases, he was convicted in many cases and in few cases he is acquitted. Particulars of the said cases are as follows:

Sl. No.	Name of Police Station	Crime No.	Sections Invoked	As per Statement of Objection	Case Status
1	Melapalayam (Muthukrishnan murder case)	251/1997	147, 148, 302 IPC	Pending Trial	SC No.415/2002 Acquitted vide FTC-1, Tirunalveli Date:24.02.2003



NC: 2025:KHC:45356-DB
CRL.A No.960/2024

2	Melapalayam (Abubacker murder case)	375/1997	147, 148, 341, 450, 307, 302 IPC	Pending Trial	SC No.217/1999 Acquitted vide FTC-2, Tirunelveli Date:24.12.2002
3	Tirunelveli CBCID	01/2013	153(A), 109, 120(b) r/w 5 of IES Act 1908 and 18 U.A.P. Act 1967 (A-15)	Pending Trial	Spl. SC No.09/2022 Pending Trial Poonamalle Bomb Blast Court, Chennai Next hearing Date:19.09.2025
4	Coimbatore City B14 Kuniamuthur	95/2013	4 of Explosive Substances Act 1908 (A-5)	Pending Trial	PRC No.166/2022 Pending Trial CJM Coimbatore Next hearing Date:17.09.2005
5	Melapalayam	71/1996	147, 148, 341, 397 & 307 IPC	Trying to ascertain the correct stage	SC No.262/1999 Acquitted On 05.12.2005
6	Melapalayam	288/1997	147, 148, 506(ii) IPC	Trying to ascertain the correct stage	CC No.217/1999 Acquitted JM-VI, TIN Date:25.06.2001
7	Palayamkottai	683/2001	336, 294(b), 506(i) IPC	Trying to ascertain the correct stage	Could not able to collect details
8	Achampudur	302/2008	5(a) of E.S Act and 294(b), 353, 307, 506(ii), 120(b) IPC and 25(1)(a) of Arms Act	Trying to ascertain the correct stage	SC No.65/2020 Pending Trial CJM Tenkasi Next hearing Date:18.09.2005
9	Melapalayam	80/2010	341, 294 (b), 352, 363, 506(ii) IPC	Trying to ascertain the correct stage	Acquitted
10	Tirunelveli District Palayamkottai	944/2012	147, 341, 323, 506 (ii) IPC	Trying to ascertain the correct stage	CC No.343/2013 Acquitted On 13.12.2018
11	Tirunelveli City Perumalpuram	1236/2013	147, 148, 336, 324 IPC and 3 of Tamil Nadu Property (Prevention of Damage and	Trying to ascertain the correct stage	SC No.766/2017 Acquitted on 19.01.2024



NC: 2025:KHC:45356-DB
CRL.A No.960/2024

			Loss) Act, 1992, & 9 (b) Explosive Substance Act		
12	Trichy Ponmalai	108/1998	307 IPC & 4(a) & 6 of ES Act. (Bomb hurled on the jeep of Inspector Thiru Murali)	Trying to ascertain the correct stage	SC No.14/2001 Acquitted On 15.10.2007 Poonamalle BBC Court, Chennai
13	Melapalayam (Arumugam Chettiar murder case)	104/1996	120B, 147, 148, 349, 342, 302 IPC	Convicted for life imprisonment on 12.12.2003 by FTC-I, Tirunelveli	Acquitted Vide CA No.458/2006 Date:23.11.2006 in Madurai High Court
14	Melapalayam (Kannan murder & Dr.Selvakumar Case)	233/1997	120B, 147, 148, 341, 449, 109, 302, 149, 34 IPC	Convicted for life imprisonment on 25.07.2007 by FTC-I, Tirunelveli	Acquitted Vide CA No.420/2007 Date:30.09.2008 in Madurai High Court
15	Melapalayam (Tailor Shankar and Dr.Selvakumar murder case)	234/1997	120B, 147, 148, 449, 452, 342, 302, 149, 427, 324, 326, 34 IPC	Convicted for life imprisonment on 25.07.2007 by FTC-I, Tirunelveli	Acquitted Vide CA No.422/2007 Date:30.09.2008 in Madurai High Court
16	Coimbatore B-1 Bazaar (Coimbatore serial bomb blast case more than 50 Death and 206 injured (Total 41 cases)	151/1998	147, 148, 149, 427, 307, 302, 120(b) IPC & 3, 4, 5 of IES Act.	SC No.1339/2012 Convicted for 7 years RI by Special Court, Coimbatore	He has completed his term of sentence and has belatedly filed an appeal before the Hon'ble Madras High Court in Criminal Appeal No.1293/2024, which is still pending.
17	JM-II Coimbatore		346(I) Cr.PC	Convicted for 2 years on 24.01.2006	Convicted for 2 years on 24.01.2006 CC No.234/2002



NC: 2025:KHC:45356-DB
CRL.A No.960/2024

Apart from the above cases, below is the list of other cases with their stage/results.

Sl. No.	Police Station	Crime No.	Section invoked	Stage	Remarks
1	Melapalayam	439/1994	324 IPC	Acquitted	-----
2	Perundurai	392/2012	279, 337 IPC	Convicted Fine Rs.2500/- On 02.07.2012 JM Perundurai.	This case pertains to an accident that occurred earlier when the accused was traveling in the Innova Car, which was used to transport explosives in this case, along with the 18 th accused.
3	Coimbatore, Ukkadam (A-10)	339/2017	120B, 387, 364, 511 IPC	CC No.581/2019 Pending Trial JM-V, Coimbatore Next Hearing Date:12.10.2025	This case was registered while he was in judicial custody.
4	Bengaluru City, Parappana Agrahara (A-1)	28/2023	34, 323, 341, 506 IPC	CC No.10257/2023 Compromised on 04.07.2023	This case was registered while he was in judicial custody. This case relates to an incident in which the 23 rd accused, Syed Ali, in the recently filed case concerning the blast near the Malleshwaram BJP office, was intending to plead guilty. While in prison, he was threatened and assaulted by the accused, along with other co-accused, to prevent him from pleading guilty.

20. The above statistics about antecedents of appellant are also not disputed. Though it is claimed at Sl.Nos.13 to 15 of



the above table, the judgment of conviction passed by the trial Court is reversed by the Appellate Court, the judgments of acquittals were not placed before this Court to show that they were Hon'ble acquittal. So far as other cases, those orders are also not placed to show whether they were Hon'ble acquittals or acquittal extending benefit of doubt.

21. Irrespective of the cases where the appellant is granted acquittal, the above table shows that cases at Sl.Nos.1 to 4 in 1st table involve heinous offences and in these cases, trial is still going on. The particulars furnished regarding C.C.No.10257/2023 arising out of Crime No.28/2023 of Parapanaagrahara Police Station shows that when one of the accused intended to plead guilty, he was threatened. However, that case was later compounded.

22. Prosecution's contention that some delay was caused in recording plea of accused Nos.8, 9, 10 due to their refusal to answer the charge is not disputed. The particulars of trial dates shown in para 5 of the statement of objections are also not disputed. That shows that hearing commenced in the year 2015 itself and the evidence commenced in 2022. Out of 273 charge sheet witnesses, admittedly as on the date the



appeal was heard, 78 witnesses were examined and 125 witnesses were given up by the prosecution.

23. Learned SPP-II submitted that out of the remaining witnesses, another 40 witnesses are going to be given up and only 60 witnesses are likely to be examined. It was submitted that most of them are official witnesses. Thus more than half of the trial is over.

24. In all the judgments relied on by learned Counsel for the appellant, it was held that if the accused was incarcerated without trial, Section 43D of the UAP Act does not restrict the power of the constitutional Court to grant bail. Absolutely, there cannot be any dispute with the said proposition of law.

25. In para 18 of the judgment in **S K Javed Iqbal's** case referred to *supra*, it was held that accused were in custody for more than 9 years and only two witnesses were examined. In that case despite query of the Court, the State Government was not able to apprise the Court how many witnesses the prosecution intends to examine and number of witnesses recorded as on that date.



26. Para 4 of the judgment in **K.A.Najeeb's** case referred to *supra* shows that there appellant sought cancellation of bail and co-accused who were facing trial were granted bail/were tried and acquitted. Thus parity principle was invoked and in that case trial had not yet commenced though the accused was in custody for more than four years. The said case did not involve the offence of murder and the magnitude of the offences was not similar to the one on hand.

27. Reading of the judgment in **Manish Sisodia's** case referred to *supra* shows that in that case the accused was in custody without commencement of the trial.

28. Since in these cases on hand there is substantial progress in the trial, the aforesaid judgments cannot be justifiably applied to the facts of the present case. Facts discussed above lead to the conclusion that there are reasonable grounds to believe involvement of the accused for the offences alleged against him. Apart from that he is convicted in Coimbatore bomb blast case on the similar charge of anti national activities. He is involved in many similar cases.



29. Article 51A (c)(e)(i) of the Constitution reads 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.***"

30. The materials on record, at this stage, *prima facie* show that the appellant has acted contrary to the duties to protect the sovereignty, unity and integrity of India, spirit of common brotherhood amongst people of India transcending



religious diversities, failed to value and preserve composite culture, safeguard public property and to abjure violence. In the light of the above discussions, the judgments relied by learned Counsel for the appellant cannot be justifiably applied to the facts of the present case.

31. For the aforesaid reasons, in the considered opinion of this Court, it cannot be said that trial Court has committed any illegality or infirmity in rejecting the bail application of the appellant. Hence, the following:

ORDER

The appeal is dismissed.

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

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

KSR
List No.: 1 Sl No.: 23