



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 6<sup>TH</sup> 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.2004 OF 2025**

**BETWEEN:**

1. AMOL CHANDRA DAS @ AMOL DAS @ SUJIB,  
S/O LATE SUKUMAR CHANDRA DAS,  
AGED ABOUT 26 YEARS,  
R/AT SISHU MANDIR LANE,  
VIVEKANANDA ROAD,  
WARD NUMBER 26,  
SILCHAR TOWN, CACHAR,  
ASSAM - 788118.

PERMANENT ADDRESS:  
AS ALLEGED IN THE CHARGESHEET ALANGJURI,  
ITNA POLILCE STATION LIMITS, KISHORGANJ,  
BANGLADESH - 2300.

...APPELLANT

(BY SRI. VINOD N., ADVOCATE)

**AND:**

1. NATIONAL INVESTIGATION AGENCY,  
BENGALURU,  
REP. BY SPECIAL PUBLIC PROSECUTOR.

...RESPONDENT

(BY SRI. P. PRASANNA KUMAR, SPECIAL PUBLIC PROSECUTOR)





THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(4) OF NIA, PRAYING TO SET ASIDE THE ORDER DATED 23.08.2025, PASSED BY THE LEARNED XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE, (SPL.COURT FOR THE TRIAL OF THE NIA CASES, CCH-50 IN SPL.C.NO.187/20242) AND TO ENLARGE THE APPELLANT I.E ACCUSED NO.3 HEREIN IN SPL.C.NO.187/2024 REGISTERED BY NIA FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 370(3), 120(B) OF IPC, ALONG WITH SECTIONS 14, 14(A)(B), 14(C) OF THE FOREIGNERS ACT AND SECTION 3 OF THE PASSPORT ENTRY IN TO INDIA ACT 1920 R/W RULE 6 OF THE PASSPORT RULES 1950, PENDING BEFORE THE LEARNED XLIX ADDL.CITY CIVIL AND SESSIONS JUDGE, (SPL.COURT FOR THE TRIAL OF THE NIA CASES) IN SPL.C.NO.187/2024.

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)

Heard the learned counsel for the appellant and the learned Special Public Prosecutor for the respondent.

2. This appeal is filed praying this Court to enlarge the appellant i.e., accused No.3 on bail in connection with Spl.C.No.187/2024 registered by National Investigation Agency for the offences punishable under Sections 370(3) and 120B of IPC along with Sections 14, 14(A)(B) and 14(C) of the



Foreigners Act and Section 3 of the Passport (Entry Into India) Act, 1920 read with Rule 6 of the Passport (Entry into India) Rules, 1950.

3. The learned counsel for the appellant submits that this appellant is accused No.3 and earlier he had approached the Trial Court for bail and the Trial Court rejected the same and once again he approached the Trial Court and the Trial Court again dismissed the same in coming to the conclusion that this bail petition is successive bail petition and there has been no change in the circumstances of the case. The learned counsel submits that when this Court rejected the bail petition of other accused, the Apex Court granted bail vide order dated 20.05.2025 in Special Leave to Appeal (Crl.) No.17376/2024. The learned counsel also submits that the Division Bench of this Court vide order dated 17.09.2025 in Crl.A.No.325/2025 granted bail having referred the order passed by the Apex Court in respect of accused No.6 is concerned, in coming to the conclusion that the appellant is entitled for bail and hence, this appellant is also entitled for bail. The learned counsel submits that the offences invoked against the appellant are not punishable with death or imprisonment for life.



4. Per contra, Sri P. Prasanna Kumar, the learned Special Public Prosecutor appearing for the respondent/NIA submits that detailed objection is filed and contend that this appellant is a Bangladeshi and indulged in creation of documents. The learned counsel brought to the notice of this Court page No.26 of statement of objections and submits that Aadhar card is created and the same is dated 18.12.2017. The learned counsel also produced one more Aadhar card and the same is also dated 18.12.2017, but address mentioned is different; one is in Bangalore and another is in the respect of Assam. The learned counsel also brought to the notice of this Court the insertion of photograph while getting the Aadhar card. The learned counsel submits that there cannot be two Aadhar cards issued at Karnataka and another at Assam on the very same day. The learned counsel also submits that the certificate of birth, which is produced as Annexure-R9 was obtained and on verification, as per Annexure-R10, it is stated that signature in the body of the birth certificate was not signed by any doctors employed here and hence, it is clear that it was a created document. The learned counsel also brought to the notice of this Court page No.29 of the statement of objections



i.e., travel details of accused person. In respect of this appellant is concerned, he travelled frequently to Bangladesh five times and remarks is very clear that he is a Bangladesh national and he is having alliance with that country and also proves his involvement in human trafficking. The learned counsel bringing all these facts to the notice of this Court would contend that the appellant is a foreign national and obtained the passport by obtaining the birth certificate, which is a fake document as well as Aadhar card and the same is also fake and if the relief is granted, there are chances of fleeing away from justice and hence, he is not entitled for bail.

5. Having heard the learned counsel for the appellant and the learned Special Public Prosecutor appearing for the respondent and considering the material on record and also the offences which have been invoked against this appellant, no doubt, the Trial Court while rejecting the application of the appellant has taken note of that the bail application of other accused persons was rejected, who are similarly placed. However, the learned counsel for the appellant brought to the notice of this Court the order passed by the Apex Court in



Special Leave to Appeal (Crl.) No.17376/2024, wherein the Apex Court has taken note of that the petitioner is having a business concern and employed several persons in his industrial unit. When such being the case, in paragraph No.6 making an observation, granted the relief and the same will not come to the aid of the appellant. No doubt, the Division Bench of this Court in Crl.A.No.325/2025, in paragraph No.6 taken note of the order passed by the Apex Court. But while granting the relief, in paragraph No.6 made an observation that according to the prosecution itself, in the present case, the appellant is in Bengaluru since 10 years and in waste segregation business by setting up sheds and reasons are given while granting the relief. But, in the case on hand, the appellant is a Bangladeshi national and the material available on record clearly discloses with regard to the alleged creation of document of Aadhar card on the same day at Karnataka as well as Assam and on perusal of the same, it discloses insertion of photo and obtaining the Aadhar Card and passport is also obtained based on those documents and travelled five times to Bangladesh. Hence, there is a force in the contention of the learned Special Public Prosecutor for the respondent that, if relief is granted to the



appellant, there are chances of fleeing away from justice. When such being the case, the appellant has not made out any ground to grant the relief. Hence, we do not find any ground to grant the relief as sought. The appeal is dismissed.

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

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

MD  
List No.: 1 Sl No.: 18