

**CRL.A No. 1023 of 2025
C/W CRL.A No. 858 of 2025
CRL.A No. 927 of 2025
AND 1 OTHER**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6th DAY OF February, 2026

PRESENT



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

AND

**THE HON'BLE MR. JUSTICE VENKATESH NAIK T
CRIMINAL APPEAL NO.1023 OF 2025 (21(NIA))**

C/W

CRIMINAL APPEAL NO.858 OF 2025

CRIMINAL APPEAL NO.927 OF 2025

CRIMINAL APPEAL NO.932 OF 2025

IN CRL.A No.1023/2025

BETWEEN:

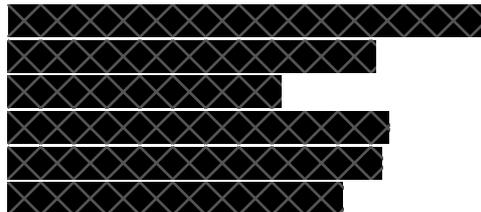
NATIONAL INVESTIGATION AGENCY
BRANCH OFFICE
SY.NO.41/14
NEAR HI-TECH CITY RAILWAY STATION
(HI-TECH CITY-JNTU ROAD), KHANAMET
MADHAPUR
HYDERABAD
TELANGANA-500 085
REPRESENTED BY ITS
SUPERINTENDENT OF POLICE.

...APPELLANT

(BY SRI SACHIN C., ADVOCATE FOR SRI PRASANNA KUMAR P., SPECIAL PP)

AND:

1. MD. SHAHBAZ @ ZULFIKAR @GUDDU
AGED ABOUT 27 YEARS



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2. SHAYAN REHMAN @ HUSSAIN
AGED ABOUT 28 YEARS

[REDACTED]

3. MUZAMIL M.D.
AGED ABOUT 28 YEARS

[REDACTED]

...RESPONDENTS

(BY SRI CHANDRASHEKAR R.P., ADVOCATE FOR R-1 TO R-3)

* * *

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(4) OF (NIA) PRAYING TO SET ASIDE THE ORDER DATED 8-4-2025 PASSED BY THE HON'BLE XLIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (SPECIAL COURT FOR THE TRIAL OF NIA CASES) (CCH-50) AT BENGALURU IN SPL.CC NO.1150 OF 2024, THEREBY GRANTING BAIL TO THE RESPONDENTS/ACCUSED NO.3, 4 AND 8 BY ALLOWING THE APPLICATION UNDER SECTION 439 OF CR.P.C. (PRODUCED VIDE ANNEXURE-A) AND ETC.

IN CRL.A NO.858/2025

BETWEEN:

NATIONAL INVESTIGATION AGENCY
BRANCH OFFICE, SY.NO.41/14
NEAR HI-TECH CITY RAILWAY STATION
(HI-TECH CITY-JNTU ROAD)
KHANAMET, MADHAPUR
HYDERABAD, TELANGANA-500 085

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REPRESENTED BY ITS
SUPERINTENDENT OF POLICE.

...APPELLANT

(BY SRI SACHIN C., ADVOCATE FOR
SRI PRASANNA KUMAR P., SPECIAL PP)

AND:

1. MR. M.D. SULAIMAN @ MINAJ
S/O. M.D. SHAFI

[REDACTED]

2. MOHAMMED MUNIRUDDIN

[REDACTED]

[REDACTED]

...RESPONDENTS

(BY SRI MURTHY DAYANAND NAYAK, SENIOR COUNSEL FOR
SRI CHANDRASHEKAR R.P., ADVOCATE FOR R-1 AND R-2)

* * *

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(4) OF NIA ACT, 2008, PRAYING TO SET ASIDE THE ORDER DATED 11-3-2025 PASSED BY XLIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (SPECIAL COURT FOR THE TRIAL OF NIA CASES) (CCH-50) AT BENGALURU IN SPL.C.C.NO.1150 OF 2024 THEREBY GRANTING BAIL TO THE RESPONDENTS/ACCUSED NO.1 AND 5 BY ALLOWING THE APPLICATION UNDER SECTION 439 OF CR.P.C. (PRODUCED VIDE ANNEXURE-A).

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IN CRL.A NO.927/2025

BETWEEN:

NATIONAL INVESTIGATION AGENCY
BRANCH OFFICE, SY.NO.41/14
NEAR HI-TECH CITY RAILWAY STATION
(HI-TECH CITY-JNTU ROAD)
KHANAMET, MADHAPUR
HYDERABAD, TELANGANA-500 085
REPRESENTED BY ITS
SUPERINTENDENT OF POLICE.

...APPELLANT

(BY SRI SACHIN C., ADVOCATE FOR
SRI PRASANNA KUMAR P., SPECIAL PP)

AND:

1. ANAS IQBAL SHAIKH
@ANNU @ ARISTOCRAT BOY
AGED ABOUT 24 YEARS

[REDACTED]

...RESPONDENT

(BY SRI RAHAMATHULLA KOTHWAL, ADVOCATE)

* * *

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(4) OF NIA, PRAYING TO SET ASIDE THE ORDER DATED 14-3-2025 PASSED BY THE HON'BLE XLIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (SPECIAL COURT FOR THE TRIAL OF NIA CASES) (CCH-50) AT BENGALURU IN SPL.CC NO.1150 OF 2024 THEREBY GRANTING BAIL TO THE RESPONDENT/ACCUSED NO.2 BY ALLOWING THE APPLICATION UNDER SECTION 439 OF CRPC

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(PRODUCED VIDE ANNEXURE A) AND ETC.

IN CRL.A NO.932/2025

BETWEEN:

NATIONAL INVESTIGATION AGENCY
BRANCH OFFICE, SY.NO.41/14
NEAR HI-TECH CITY RAILWAY STATION
(HI-TECH CITY-JNTU ROAD)
KHANAMET, MADHAPUR
HYDERABAD, TELANGANA-500 085
REPRESENTED BY ITS
SUPERINTENDENT OF POLICE.

...APPELLANT

(BY SRI SACHIN C., ADVOCATE FOR
SRI PRASANNA KUMAR P., SPECIAL PP)

AND:

SYED SAMEER
AGED ABOUT 20 YEARS

[REDACTED]

...RESPONDENT

(BY SRI MURTHY DAYANAND NAYAK, SENIOR COUNSEL FOR
SRI CHANDRASHEKAR R.P., ADVOCATE)

* * *

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(4) OF NIA ACT, 2008 PRAYING TO SET ASIDE THE ORDER DATED 14-3-2025 PASSED BY XLIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (SPECIAL COURT FOR THE TRIAL OF NIA CASES) (CCH-50) AT BENGALURU IN SPL.C.C.NO.1150 OF 2024 THEREBY GRANTING BAIL TO THE RESPONDENT/ACCUSED NO.7 BY ALLOWING THE APPLICATION UNDER SECTION 439 OF CR.P.C. (PRODUCED VIDE ANNEXURE-A) AND ETC.

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THESE CRIMINAL APPEALS HAVING BEEN HEARD AND RESERVED ON 30-1-2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, **VENKATESH NAIK T. J.**, PRONOUNCED THE FOLLOWING:

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

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T)

Heard learned counsel Sri. Sachin C., representing Sri. Prasanna Kumar P, Special Public Prosecutor for the appellant/National Investigation Agency, learned Senior Counsel Sri. Murthy Dayanand Nayak, representing Sri. Chandrashekar R.P. for respondent Nos.1 and 2/accused Nos.1 and 5 in CrI.A.No.858/2025 and for respondent No.7/accused No.7 in CrI.A.No.932/2025 and Sri. Rahamathulla Kothwal, learned counsel for respondent/accused No.2 in respective appeals.

CrI.A.No.1023/2025, CrI.A.No.858/2025, CrI.A.No.927/2025 and CrI.A.No.932/2025 are filed by the appellant/National Investigation Agency(for short 'NIA') to set aside the orders dated 08.04.2025, 11.03.2025 and 14.03.2025 passed by the learned XLIX Additional City Civil and Sessions Judge(Special Court for the trial of NIA cases),(CCH-50), Bengaluru in Spl.CC

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No.1150/2024, whereby the respondents/accused Nos.1, 2, 3, 4, 5, 7 and 8 were granted bail.

2. The brief facts of the prosecution cases are as under:-

The case in RC-03/2023/NIA/BLR was registered on 14.12.2023 in NIA Police Station, Bengaluru on the basis of credible information received by the Central Government that many radicalised individuals aligned to ISIS ideology were operating in Telegram groups from Bellary, Mumbai and Jamshedpur and they were disseminating ISIS propaganda, radicalising and recruiting youth into a jamaat (organization) inspired by ISIS and they had hatched a conspiracy to use young recruits for committing violent terror attacks in India and besides Telegram groups, key members were also handling their own local offline groups; the information further revealed that in Bellary, Karnataka based Mohammed Sulaiman @ Minaj/Accused No.1 was the main operator and was suspected to be in contact with the foreign based handlers for carrying out violent jihad in India; accused No.1 and his associates were planning to create a jamath for establishing Sharia rule in India, for which, he had already made a road map and was circulating it for motivating and

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recruiting youngsters; he further planned to recruit 50 Mujahideen in every District by 2025 to fight for toppling the democratically elected Government and establishing Islamic rule in India; that the module was in the process of procuring chemicals and making explosives; that the accused persons also conducted a trial blast at ITI ground, Bellary, Karnataka; the investigation reports also revealed that accused No.2, who hails from Mumbai was a key member of several ISIS linked Telegram group and channels and was one of the administrators of a radical Telegram group. Accused No.3, who hails from Jamshedpur was the main operator of the group in Jamshedpur; he had also floated a local offline group with his associates; they were also in the process of procuring explosive materials, pistols and grenades for conducting violent terror attacks in various States like Karnataka in India; He had also pledged funds for radicalisation and committing these attacks; these radicalised persons were disseminating ISIS propagandas with an aim to recruit and incite young persons to commit violent jihad for the establishment of Sharia rule in India. Accordingly, the Central Government, being of the opinion that a scheduled offence under the National Investigation Agency

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Act, 2008 has been committed and having regard to the gravity of offence and its national security ramifications, the appellant/NIA was directed to take up investigation of the aforesaid case vide Ministry of Home Affairs, Government of India order F.No.11011/102/2023/NIA dated 12.12.2023. Consequently, the case was registered on 14.12.2023 by National Investigation Agency, Bengaluru as RC-03/2023/NIA/BLR under Sections 120B of IPC and Sections 17, 18, 18B and 20 of Unlawful Activities (Prevention) Act, 1967('UAP' Act for short) and accordingly the investigation was initiated and later the Investigating Officer, investigated the matter. The respondents/accused persons were secured by the Investigating Officer and in turn, they were remanded to judicial custody and the Investigating Officer filed the charge sheet against the respondents for the aforesaid offences. Before the Special Court, the respondents filed applications under Section 439 Cr.P.C. seeking bail in the matter and the Special Court granted bail as follows:-

1. In Crl.A.No.1023/2025, accused Nos.3, 4 and 8 were granted bail on 08.04.2025.

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2. In CrI.A.No.858/2025, accused Nos.1 and 5 were granted bail on 11.03.2025;
3. In CrI.A.No.927/2025, accused No.2 was granted bail on 14.03.2025; and
4. In CrI.A.No.932/2025, accused No.7 was granted bail on 14.03.2025.

3. The Special Court, while granting bail in favour of the respondents/accused, was of the opinion that the grounds of arrest were not furnished to the respondents/accused and hence, the accused were granted bail. Being aggrieved by the impugned orders, the appellant/NIA has preferred these appeals.

4. Learned counsel for the appellant/NIA contends that the impugned orders passed by the learned Special Judge enlarging the respondents/accused on bail is contrary to law, facts and material on record and in fact, at the time of arrest of the respondents, they were duly informed of the grounds of their arrest including the conspiracy orchestrated by them in collusion with other co-accused persons against Government of

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India, in the presence of two independent witnesses. Later, the respondents/accused were placed under arrest on 18.12.2023 in NIA case in RC-03/2023/NIA/BLR dated 14.12.2023 in connection with conspiracy hatched by them, for the offences under Section 120B, IPC and Sections 17, 18, 18B and 20 of UAP Act, and they were intimated in writing under Section 50 of Cr.P.C., about the same. The respondents/accused were also informed in writing that they would be produced before the jurisdictional Court on 19.12.2023 and the matter regarding their arrest had been intimated to their family members by mentioning the name and the relation of family members and that if they desire, they might appoint a legal counsel to represent them in the case before the NIA Special Court in connection with the instant cases. Thus, while giving arrest intimation to the respondents/accused, their family members were intimated about the grounds of arrest of the accused and the main ground of their arrest i.e. conspiracy hatched by them in the instant cases were also highlighted in the written intimation under Section 50 Cr.P.C.

5. He further contends that the arrest of the respondents/accused was communicated in the presence of

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independent witnesses and the respondents/accused were informed of the grounds of arrest in the presence of the independent witnesses. Further, the arrest memos were provided to the respondents/accused, who also acknowledged its receipt. Further, Column No.6 of Arrest memo explicitly shows that the grounds of arrest were explained to the respondents/accused and the same was duly acknowledged by both independent witnesses as well as the accused persons along with their signatures, which have not been denied by the respondents/accused at any point of time.

6. Learned counsel further contends that after the arrest, the respondents/accused were provided with ample opportunities to defend their case at the time of remand and thereby the requirements of Section 50 of Cr.P.C were duly complied with. When such being the case, the learned Special Judge has committed an error in holding that the grounds of arrest have not been made available by the appellant/NIA to the respondents/accused.

7. Learned counsel further contends that the Hon'ble Apex Court in the case of **Prabhir Purkayastha v. State**

(NCT of Delhi) reported in **(2024) 8 SCC 254** was pleased to hold that the interpretation of statutory mandate laid down by the Hon'ble Apex Court in **Pankaj Bansal v. Union of India and Others** reported in **(2024) 7 SCC 576** on the aspect of informing the arrested persons of the grounds of arrest in writing has to be applied in a case registered under the provisions of the UAP Act. The respondents/accused in the present cases have been arrested on 18.12.2023 and produced before the Special Court. The decision of Hon'ble Apex Court in **Prabir's case** referred supra having been delivered on 15.05.2024, the contention of the learned counsel for the respondents/accused that the same would have retrospective effect, however, as there is no clarity in respect of arrest effected after the decision of **Pankaj Bansal's** case and prior to **Prabir's** case., the said contention of learned counsel for the respondents/accused does not find any merit or basis in law and in that view of the matter, the impugned orders are liable to be set aside.

8. Learned counsel further contend that in the light of decision of the Hon'ble Apex Court in **Kailash Chand Sharma**

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v. State of Rajasthan and others reported in **(2002) 6 SCC 562**, wherein it is clarified that, when the court lays down the correct law, in which, the prevalent understanding of the law undergoes a change, the operation is restricted to the future, so that it does not affect the past transactions. Even otherwise, it is to be noted that Article 22 of the Constitution of India and Section 50 of Cr.P.C have been in existence since inception. But it is only on 15.05.2024, that the Hon'ble Apex Court clarified that the requirement of serving grounds of arrest in writing would be applicable to UAP Act matters as well. Moreover the Hon'ble Apex Court in the case of **Vihaan Kumar v. State of Haryana and Another** reported in **2025 SC Online SC 269, (Crl.A.@ SLP (Crl.) No.13320/2024** decided on 07.02.2025) has clearly stated that although there is no requirement to communicate the grounds of arrest in writing, what is stated in paragraph Nos.42 and 43 of the decision in **Pankaj Bansal's** case, are suggestions that merit consideration. Further, it is contended that Section 43D(5) proviso of UAP Act would indicate that when there is material placed before the Special Court, which would indicate the existence of a prima-facie case, then the Special Court shall decline the relief of bail. Thus, in

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the instant cases, when the appellant/NIA has placed sufficient material to indicate the existence of a prima-facie case, the applications filed by the respondents/accused for bail ought to have been rejected by the Special Court and hence, he prays that the impugned orders be set aside and the appeals be allowed.

9. In support of his contention, learned Special Public Prosecutor relied upon the following decisions:-

1. *Pankaj Bansal v. Union of India and Others* reported in (2024) 7 SCC 576;
2. *Ram Kishor Arora v. Directorate of Enforcement* reported in (2024) 7 SCC 599;
3. *Prabir Purkayastha v. State (NCT of Delhi)* reported in (2024) 8 SCC 254;
4. *Vihaan Kumar v. State of Haryana and Another* reported in 2025 SCC Online SC 269;
5. *Kasireddy Upender Reddy v. State of Andhra Pradesh and Others* reported in 2025 SCC Online SC 1228;
6. *Karan Singh v. State NCT of Delhi in (W.P.(Crl.) 4203/2025 dated 23.01.2026;*
7. *Mihir Rajesh Shah v. State of Maharashtra and Another* reported in 2025 SCC Online SC 2356;
8. *State of Karnataka v. Sri Darshan Etc.,* reported in 2025 SCC Online SC 1702.

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10. Per-contra, learned Senior Counsel and learned counsel appearing for the respective respondents/accused would vehemently contend that the requirement of informing a person of grounds of arrest is a mandatory requirement of Article 22(1) of the Constitution of India. The information of grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The mode and method of communication must be such that the object of constitutional safeguard is achieved. When arrested accused alleges non-compliance with the requirements of Article 22(1), the burden will always be on the Investigating Agency to prove compliance with the requirements of Article 22(1) of the Constitution of India. Thus, non compliance with Article 22(1) will be violation of the fundamental rights of the accused persons, which are guaranteed by the said Article and moreover, it would amount to violation of the right to personal liberty guaranteed by Article 21 of the Constitution. Therefore, non compliance with the requirement of Article 22(1) vitiates the arrest of the accused

persons. Hence, further orders passed by the Criminal Court for remand are also vitiated. Further, when an arrested person is produced before the Special Court for remand, it is the duty of Special Court to ascertain whether compliance with Article 22(1) and other mandatory safeguards have been made and when violation of Article 22(1) is established, it is the duty of the Court to forthwith order the release of the accused persons and that will be a ground to grant bail even if statutory restrictions on the grant of bail exists. The statutory restrictions do not affect the power of the Court to grant bail when violation of Article 21 and 22 of Constitution of India is established.

11. Learned Senior Counsel further contend that the Hon'ble Apex Court in the case of **Prabir's case** and **Vihaan Kumar's case** referred supra have the same view that an arrested person has a fundamental and statutory right to be informed about the grounds of arrest in writing and a copy of such written grounds of arrest have to be furnished to the arrested person as a matter of course and report without exception at the earliest. Any infringement of this fundamental right would vitiate the process of arrest and remand.

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12. Learned Senior Counsel further contend that the appellant/NIA has not provided the copy of grounds of arrest before the Special Court in writing to substantiate that soon after their arrest, the accused and their relatives were provided with grounds of arrest and they were accorded to avail their counsels.

13. Learned Senior counsel relying on the decision of Hon'ble High Court of Delhi Court in the case of ***Thokchom Shyamjai Singh and Others v. Union of India through Home Secretary and others reported in 2025 SCC Online Delhi 980***, wherein a similar issue was raised before the Hon'ble High Court, specifically whether the constitutional mandate of serving grounds of arrest in writing to an arrestee under UAP Act comes into effect from the date of the Supreme Court's verdict in ***Pankaj Bansal's*** case or ***Prabir's*** case, the High Court of Delhi held therein that the constitutional mandate for serving grounds of arrest in writing comes into effect from the date of judgment in ***Pankaj Bansal's*** case i.e. from 03.10.2023 and the Special Court considered that the constitutional mandate of serving grounds of arrest in writing under the UAP Act comes into effect from the date of the

verdict in **Pankaj Bansal's** case. Learned counsel further further contends that considering all the factual and legal aspects of the matter, the Special Court granted bail to the respondents/accused considering that the respondents/accused persons were not furnished with the grounds of arrest. Therefore, the bail granted to the respondents by the Special Court is in accordance with law and the reasons assigned by the Special Court is also well founded and there is no merit in the contention of learned counsel appearing for the appellant/NIA that the bail granted to the respondent/accused may be cancelled. Accordingly, learned counsels for the respondents prayed to dismiss the appeals.

14. Learned counsel for the respondents in support of their contentions relied on the following decisions:-

1. *Prabir Purkayastha v. State (NCT of Delhi) in (2024) 8 SCC 254;*
2. *Vihaan Kumar v. State of Haryana and another in (2025) 5 SCC 799;*
3. *Thokchom Shyamjai Singh Others v. Union of India and others in 2025 SCC OnLine Del 980;*

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4. *Ahmed Mansoor and Others v. State represented by Assistant commissioner of Police and another in 2025 SCC OnLine SC 2650;*
5. *Mihir Rajesh Shah v. State of Maharashtra and another in 2025 SCC OnLine 2356;*
6. *Mahesh Panduranga Naik v. State of Maharashtra and another in 2024 SCC OnLine Bom 3918; and*
7. *Ashish Kakkar v. UT of Chandigarh in 2025 SCC OnLine SC 1318*

15. We have given our thoughtful considerations to the submissions advanced at the Bar and have gone through the material placed on record and the point that would arise for our consideration is as under:-

"Whether the appellant/NIA has assigned valid reasons to cancel the bail granted by the Special Court to the respondents/accused Nos.1, 2, 3, 4, 5, 7 and 8, thereby allowing the appeals?"

16. Upon a careful perusal of the material available on record, charges levelled that the respondents/accused are that they were involved in the aforesaid offences and they were

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enlarged on bail by the Special Court solely on the ground that they were not provided with grounds of arrest before their arrest, in writing.

17. The interpretation given by learned Special Judge is that the grounds of arrest was not conveyed to the accused in writing, for which, the arrest memo is unacceptable on the face of record and also that the arrest memo does not indicate the grounds of arrest being incorporated in the said document. Column No.6 of Arrest Memo which is being reproduced simply sets out the reasons for arrest, which are formal in nature and can be generally attributed to any person arrested on accusation of an offence, whereas, the grounds of arrest would be personal in nature and specific to the person arrested. As per the term 'reasons for arrest', it means and it includes a) prevent the accused person from committing any further offence, b) for proper investigation of the offence, c) to prevent the accused person from causing the evidence of the offence to disappear or tampering with such evidence in any manner, d) to prevent such person from making any infringement from a person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to the police

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officer and e) As unless such person is arrested, his presence in the court whenever required cannot be ensured.

18. The Remand Order clearly reveals that the copy of remand application was submitted to the Special Court and the reasons for arrest was also appended to the remand application.

19. It may be reiterated at the cost of repetition that there is a significant difference in the phrase 'reasons for arrest' and 'grounds of arrest'. The 'reasons for arrest' as indicated in the arrest memo are purely formal parameters viz., to prevent the accused person from committing any further offence, for proper investigation of the offence, to prevent the arrested person from causing of evidence to disappear or tampering with such evidence in any manner, to prevent the arrested person from making inducement, threat or promise to any person acquainted with the facts of the case. These reasons would commonly apply to any person arrested on charge of crime, whereas the 'grounds of arrest' would require containing all such details in the hand of the Investigating Officer, which necessitated the arrest of the accused. Simultaneously, the

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grounds of arrest informed in writing must be conveyed to the arrested accused, of all basic facts, on which, he is being arrested so as to provide him an opportunity of defending himself against custodial remand and to seek bail. Thus the grounds of arrest would invariably be personal to the accused and cannot be equated with the reasons for reasons of arrest, which are general in nature.

20. Since the appellants/accused have raised a question mark about legality of their arrest, we have looked into the matter from that limited angle.

21. Hence, it is just and necessary to analyse Article 22(1) of Constitution of India, which stipulates that no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest. Such constitutional safeguard was further strengthened by procedural law.

22. Section 50 of Cr.P.C 1973 (now Section 47 of BNSS 2023) which reiterates the same by casting duty upon police officer who is arresting any person (without warrant) to forthwith communicate to arrestee, full particulars of the

offence for which he is arrested or other grounds for such arrest.

23. Section 48 of BNSS 2023 further provides that arresting police officer shall forthwith give information regarding such arrest and place, where the arrested person is being held, to any of his relatives, friends or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information and also to the designated police officer in the district. It also, inter alia, provides requisite vigil over compliance by making it obligatory for the concerned Magistrate to satisfy himself that such requirements have been complied with.

24. In ***Pankaj Bansal's case*** (supra), the question was that of the requirement of written grounds of arrest being provided in an arrest under Section 19 of Prevention of Money Laundering Act (PMLA), 2002 and the Hon'ble Supreme Court, in order to give true meaning and purpose to the constitutional and the statutory mandate of Section 19(1) PMLA of informing the arrested person of the grounds of arrest, held that it would be necessary, henceforth, that a copy of such written grounds

of arrest is furnished to the arrested person as a matter of course and without exception.

25. In ***Prabir's case*** (supra), the Hon'ble Apex court, while dealing with a case under Unlawful Activities (Prevention) Act, 1967 (UAPA), reiterated the aforesaid constitutional requirement in context of arrest under said Act also and observed that there was no doubt that any person arrested for allegation of commission of offences under the provisions of UAPA or for that matter any other offence(s) has a fundamental and a statutory right to be informed about the grounds of arrest in writing and a copy of such written grounds of arrest have to be furnished to the arrested person as a matter of course and without exception at the earliest.

26. In ***Vihaan's case*** (supra), the accused had been arrested for a case of cheating. It was pleaded that grounds of arrest were never communicated and moreover the accused was handcuffed and chained, when after arrest, he was hospitalized. The Hon'ble Supreme Court, while reiterating that the requirement of informing a person arrested of grounds of arrest was mandatory one, supplemented that the mode and

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method of communication must be such that the object of the constitutional safeguard is achieved. It also held that any infraction thereof would not vitiate the investigation, charge sheet and trial but, at the same time, filing of chargesheet would not validate breach of constitutional mandate provided under Article 22(1), either. It, however, also observed that although there is no requirement to communicate the grounds of arrest in writing, what is stated in paragraphs 42 and 43 of the decision in the case of **Pankaj Bansal** (supra) were suggestions which merited consideration. It was also observed that, in every case, it may not be practicable to implement what is suggested above, supplementing that if the course, as suggested, is followed, the controversy about the non-compliance will not arise at all.

27. In **Mihir's case** (supra), the Hon'ble Supreme Court, while reiterating the compliance of aforesaid mandatory requirement, went on to hold that, in cases where the police is already in possession of documentary material furnishing a cogent basis for the arrest, the written grounds of arrest must be furnished to the arrestee on his arrest.

28. Thus, what emerges from the above is that the legislative intent behind serving the grounds of arrest is to enable the arrested person to effectively secure legal representation and to promptly seek any appropriate legal remedies available, so that, such remedies may be exercised without any delay. This requirement is designed to empower not only the arrestee but also those in a position to act on his behalf, thereby safeguarding the right to life and personal liberty guaranteed under Article 21 of the Constitution of India.

29. The Hon'ble Apex Court in the judgment of ***Mihir's case*** (supra) observed that, in exceptional circumstances such as offences against body or property committed in flagrante delicto, where informing the grounds of arrest in writing on arrest is rendered impractical, it shall be sufficient for the police officer or other person making the arrest to orally convey the same to the person at the time of arrest. Later, a written copy of grounds of arrest must be supplied to the arrested person within a reasonable time and in no event later than two hours prior to production of the arrestee before the magistrate for remand proceedings.

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30. Infact, the date of decision of **Mihir Rajesh Shah** (supra) is 06.11.2025 and admittedly, the appellants herein had been arrested much earlier i.e. on 18.12.2023 and, therefore, they cannot be permitted to raise any grievance.

31. The grievance about the alleged procedural lapse has been raised very belatedly i.e. after more than almost one year of the arrest and there is no whisper of any prejudice being caused to the appellants, who were represented by counsel from day one. The Hon'ble Supreme Court in the case of **State of Karnataka v. Sri Darshan** reported in **2025 SCC OnLine SC 1702** has held that while compliance of Section 50 Cr.P.C is mandatory, the consistent judicial approach has been to adopt a 'prejudice-oriented test' when examining alleged procedural lapses and, **further held that mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice by denial of a fair opportunity to the accused to defend themselves and absence of any demonstrated prejudice, coupled with the inordinate delay in raising the grievance.**

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32. Though the grounds of arrest is not in writing, the same is informed orally to the accused and their relatives and two independent witnesses have acknowledged the same and there is a delay in urging the said ground. As the accused have failed to secure bail even after making all efforts, earlier, a new ground is raised that they were not informed in writing about the grounds of arrest and not made out any demonstrable prejudice caused to defend the same and only after thought invoked the ground when unsuccessful earlier.

33. Considering the detailed analysis made above, there is no hesitation in the mind of the Court to reach to a conclusion that the copy of remand application in the purported exercise of grounds of arrest in writing was provided to the respondents/accused persons before passing of the order of remand and applied judicious mind. Thus it will not vitiate the arrest and subsequent remand of the respondents/accused. As a result, the respondents/accused are not entitled for bail and the impugned orders passed by the Special Court granting bail to the respondents are liable to be set-aside and the bail granted to the respondents/accused persons is liable to be cancelled.

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34. Hence, we pass the following:

ORDER

1. CrI.A.No.1023/2025, CrI.A.No.858/2025, CrI.A.No.927/2025 and CrI.A.No.932/2025 filed by the appellant/National Investigation Agency(NIA) are allowed.
2. The impugned orders dated 08.04.2025, 11.03.2025 and 14.03.2025 passed in Spl.CC No.1150/2024 by the learned XLIX Additional City Civil and Sessions Judge(Special Court for the trial of NIA cases),(CCH-50), Bengaluru is set-aside and the bail granted to the respondents/accused Nos.1, 2, 3, 4, 5, 7 and 8 is hereby cancelled. The concerned authorities are directed to take accused Nos.1, 2, 3, 4, 5, 7 and 8 into custody.
3. Coming to the gravity of the offence, the Special Court is directed to conduct the trial expeditiously and pass the judgment on merits.

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4. It is made clear that the observations made during the course of this order are strictly confined to the issuance of bail to the respondents/accused and the same shall not influence the Special Court while deciding the matters on merits.

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

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

MN/-