



IN THE COURT OF XLIX ADDL. CITY CIVIL AND SESSIONS
JUDGE, [SPECIAL COURT FOR TRIAL OF CASES FILED
UNDER NIA], (CCH-50) AT BENGALURU

Dated this 12th day of June, 2026

PRESENT:

SRI KEMPARAJU,

B.Com., LL.B.,

XLIX Additional City Civil & Sessions Judge,
[Special Judge for the trial of NIA Cases],
(CCH-50) Bengaluru.

Spl.C.No.187/2024

Complainant	The National Investigation Agency, Bengaluru.
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(By: Learned Special Public Prosecutor)

Vs.

Accused	Mr. Firdoush @ MD Ferdous Bapari and Others
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Accused No.1	Mr. Firdoush @ Md Ferdous Bapari @ Firdous, S/o Moksed Bapari, Aged about 37 years, R/at No.70, Outer Ring Road Devarabesanahalli, Bellanduru, Bengaluru. Permanent Address : Purba Khortakata, Rajapura Shoronkhola Bagerhat, Bangladesh.
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(By : Sri R. Kothwal, Advocate)

i	Provision under which the application is filed	Under Section 439 of the Cr.P.C.
ii	Relief sought for	Regular Bail

iii	The date on which the application is filed	01.12.2025
iv	The date on which the objections are filed by different opponents	17.12.2025
v	The date on which the orders were passed on the said application	12.06.2026

ORDERS

Accused No.1 - Firdous @ Md Ferdous Bapari @ Firdous has filed the present bail application, under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.'), seeking regular bail in this case.

2. In the application, accused No.1 has narrated the facts of the case in brief, and stated that the Investigating Officer filed the charge-sheet before this Court against him and others for the offences punishable under Sections 120B and 370(3) of the Indian Penal Code, 1860 (for short 'the IPC'), Sections 14, 14A(b) of the Foreigners Act, Section 3 of the Passport (Entry into India) Act, 1920, R/w Rule 6 of the Passport (Entry into India), Rules, 1950). He has further stated that he asserts his innocence in relation to the purported incident, emphasizing his non-involvement in the alleged criminal activity, as attributed by the Investigating Authority. He hails from a respectable family background, and possess no criminal antecedents. He is engaged in the segregation business for a considerable period and he is primary provider for his family. There are no material evidence validating any direct participation in commission of the alleged offences by him, and a false case has been initiated against him. He has

further stated that he can move successive bail applications, relying on the decisions of the Hon'ble Supreme Court in Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav and another reported in (2005) 2 SCC 42, and in Lt. Col Prasad Shrikant Purohit vs. The State of Maharashtra (2018) 11 SCC 458. He has further stated that there has been a material change in circumstance since the last rejection of his bail application, as the Hon'ble Supreme Court in SLP (Crl.) No.17376/2024, vide an order dated 20.05.2025, granted bail on similar or more serious allegation to accused No.6 and hence, he is also entitled for bail on the ground of parity. He has further stated that the evidence of prosecution side has commenced, only one prosecution witness is examined out of 104 witnesses, and the delay in conclusion of trial amounts to a change in circumstance, warranting reconsideration of bail. He has further stated that the Hon'ble Supreme Court in catena of judgments has observed that where investigation is completed and the prosecution's case is based on documentary material, pre-trial incarceration for extended periods, particularly when the trial is stagnating, offends Article 21 of the Constitution. He has further stated that the entire batch of material witnesses purported victims, are already known, cited in the charge-sheet, and most are stated to be in Bangladesh or out of contact, and there is little risk of tampering with evidence. He has further stated that his right to seek bail afresh on the grounds of parity, as recognized in State of Rajasthan vs. Balchand (1977) 4 SCC 308, and Kalyan Chandra Sarkar's case, persists where the case stands on identical footing or when material witnesses are not accessible to accused. The co-accused's bail by the Hon'ble Supreme Court is a material change, mandating similar relief

unless contrary justification is established by the prosecution. He has further stated that post-filing of the charge-sheet, he is not required for further investigation, and risk of flight can be mitigated with stringent bail conditions, as all relevant documents are seized. He has further stated that he was arrested on 08.11.2023, and he has been in judicial custody since then, even though he has not committed any offences. He has further stated that he is a permanent resident of Bengaluru, currently resides in the address mentioned at cause title and possess strong ties within the local community. He undertakes to abide by all the conditions that may be imposed by this Court. With these grounds, he has prayed that the bail application be allowed.

3. The learned Special Public Prosecutor has opposed the bail application by filing written objections. He has narrated the facts of the case in brief and contended that accused No.1 had approached this Court in Crl.Misc.No.2860/2024, seeking the relief of bail. Upon consideration of the materials available on record, this Court rejected the said bail petition on 08.04.2024. Thereafter, accused No.1 again approached this Court on 06.06.2024, seeking the relief of bail and this Court rejected the same vide an order dated 22.06.2024. In that view of the matter, there are no change in the fact situation or in law from the date of previous rejection of bail applications filed by accused No.1. It is further contended that accused No.1 is standing on a different footing of accused No.6 and hence, the grounds of parity are not extended to him, and he cannot take shelter on the said grounds. It is further contended that the charge-sheet, statements of witnesses, supported by the documents produced along with the

charge-sheet make it evident that accused No.1, along with other accused persons entered India illegally, and being Bangladeshi nationals by fraudulent means obtained Indian identity cards for the purpose of legalizing their illegal stay and further activities in Bengaluru. In that view of the matter, the accused persons entered into a criminal conspiracy to obtain the said records in a fraudulent manner. It is further contended that Section 370(3) of the IPC clearly states that if any person is involved in trafficking of more than one person, he shall be punishable with rigorous imprisonment for a term not less than 10 years, but which may extend upto imprisonment for life. The charge-sheet clearly indicate that accused persons are involved in trafficking of several persons and subjected them to exploitation by hard labour. Since the offences being serious in nature, and being punishable upto life imprisonment and having international ramifications, accused No.1 is not entitled for bail. It is further contended that the NIA is conducting further investigation regarding the procurement of Aadhar cards by the accused persons. When the charge-sheet indicates the existence of the abundant material pointing to the active role played by accused No.1 for having committed the offences, which is punishable with life imprisonment, mere filing of the charge-sheet, would not enable him to seek the relief of bail. If he is released on bail, then there is every likelihood of escape from the clutches of law and leave the jurisdiction of this Court. Accused No.1 having trafficked several persons / Bangladeshi nationals, may threaten them and destroy the material available in the possession of the said witnesses. It is further contended that accused No.1 having failed to indicate any substantial change in the circumstance from the previous date of rejection of his bail

applications, dated 08.04.2024 and 22.06.2024, the present application would be barred under law. With these grounds, he has prayed that the bail application be rejected.

4. Heard the arguments of the learned counsel appearing for accused No.1, and the learned Special Public Prosecutor.

5. The points that arise for Court's consideration are as follows :

1) Whether accused No.1 has made out grounds to exercise discretion under Section 439 of Cr.P.C., to enlarge him on regular bail?

2) What order?

6. Findings of this Court to the above points are as follows :-

Point No.1 : In the negative;

Point No.2 : As per final order, for the following;

REASONS

7. **Point No.1:-** It is the case of the prosecution that the Central Government received a reliable information that certain entities based in Karnataka having linkages with facilitators and traffickers based in Assam, Tripura and Bangladesh, which are part of a transnational human trafficking network and are involved in trafficking of persons of Bangladesh and Rohingya of Myanmar origin, into India through Indo-Bangladesh border by the said accused persons and the accused persons were using fake identity documents and were in touch with cadres of proscribed terrorist organisations operating from across the border with an intent to facilitate infiltration of operatives and sympathizers of

these organisations into India. Therefore, the Government of India, Ministry of Home Affairs, CTCR Division, North Block, New Delhi issued an order vide F.No.11011/91/2023/NIA, dated 07.11.2023 and directed the NIA to take up the investigation of the said case. Accordingly, the NIA registered a case in R.C.No.01/2023/NIA/BLR on 07.11.2023 for the offences punishable under Sections 120-B, 370, 465 and 471 of IPC and Section 18 of U.A.(P) Act and took up the investigation. During the investigation, searches were conducted at various places and seized various documents of Bangladesh indicating the nationality of the accused persons along with certain digital devices. The accused persons were traced, arrested and they were produced before this Court and they were remanded to Police custody for custodial interrogation. After completion of custodial interrogation, the accused were produced before this court and they were remanded to judicial custody. The Investigating Officer has recorded the statements of witnesses, collected other evidence against the accused persons and submitted the final report before this Court for the offence punishable under Sections 120-B and 370(3) of IPC, Sections 14, 14-A(b) and 14-C of Foreigners Act and Section 3 of the Passport (Entry into India) Act, 1920 r/w Rule 6 of the Passport (Entry into India) Rules, 1950. Now the matter is at the stage of evidence of prosecution side. At this stage, accused No.1, who is in judicial custody, has filed the present application, seeking the relief of bail.

8. It is alleged in the charge-sheet that Md. Ferdous Bapari (A.1) is a native of Bangladesh, he entered India illegally without valid documents around 10 years ago, and worked as a garbage

segregator in Bengaluru, and he further started his own garbage collection godown in Bellandur area of Bengaluru City. Accused No.1 created his fake birth certificate and he fraudulently obtained Indian identity cards such as Aadhar card, voter ID etc. Further, on being approached for job in India by Bangladeshi nationals, he collected money from the said Bangladeshi nationals and with the assistance of agents/touts in the Indo – Bangladesh border, near Benapole of Bangladesh, he trafficked the Bangladesh nationals into India, with the false promise of providing them jobs in India with valid Indian documents. Once trafficked into India, these trafficked Bangladeshi nationals were confined in godown and subjected to hard labour for meager wages by accused No.1, by threatening them of arrest by Indian Police.

9. It is the contention of the prosecution that accused No.1 approached this Court in CrI.Misc.No.2860/2024 seeking the relief of bail, and the same was rejected on 08.04.2024. Upon consideration of the materials available on record, this Court rejected the said bail petition on 08.04.2024. Thereafter, accused No.1 again approached this Court on 06.06.2024, seeking the relief of bail and this Court rejected the same vide an order dated 22.06.2024. In that view of the matter, there are no change in the fact situation or in law from the date of previous rejection of bail applications filed by accused No.1. Hence, the successive bail application filed by accused No.1 is not maintainable.

10. From the perusal of the records, it reveal that accused No.1 had filed a CrI.Misc.No.2860/2024 seeking the relief of bail. This Court, upon consideration of the relevant materials on record,

rejected the said bail petition on 08.04.2024. Within a span of two months, accused No.1 once again filed another application, seeking the relief of bail, and this Court rejected the same vide an order dated 22.06.2024. Now, accused No.1 approached this Court on third time with this successive bail application.

11. Now the question before this Court is whether the successive bail application filed by accused No.1 is to be considered on merits once again. The Hon'ble Supreme Court in the cases of **Kalyan Chandra Sarkar v. Rajesh Ranjan Alias Pappu Yadav and another** reported in (2005) 2 SCC 42 and **Lt. Col Prasad Shrikant Purohit v/s The State of Maharashtra**, reported in (2018) 11 SCC 458 held that the scope of the successive bail application is very limited and the Court has to see that there is any change in circumstance after dismissal of the bail petition. It is trite law that there is no need to consider the successive bail application on merits of the case once again, but the same can be considered if there is any change in circumstance. Keeping in mind the aforesaid principles, this Court proceeds to examine whether there is any change in the fact situation or in law to consider this successive bail application.

12. A perusal of the bail application, accused No.1 has not stated any change in the fact situation or in law to file the present bail application after rejection of his earlier bail applications except stating that the Hon'ble Supreme Court in SLP (Crl.) No.17376/2024 vide an order dated 20.05.2025 granted bail to accused No.6, and he has sought bail on the ground of parity. Though Hon'ble Supreme Court granted bail to accused No.6 of

this case, accused No.1 is not entitled for bail, on the ground of parity, since accused No.1 and accused No.6 are standing on different footing. as rightly contended by the learned Special Public Prosecutor, as it is the allegation of the prosecution that accused No.1 being native of Bangladesh, who entered India illegally without valid documents, created his fake birth certificate besides obtaining Indian ID cards, such as Aadhar card, voter ID etc., and he trafficked Bangladeshi nationals into India and these trafficked Bangladeshi nationals were confined in godown and subjected to hard labour for meager wages.

13. It is also contended by accused No.1 that the evidence of prosecution side has commenced, only one prosecution witness is examined out of 104 witnesses, and the delay in conclusion of trial amounts to a change in circumstance, warranting reconsideration of bail. Case file shows that as on 12.06.2026 eight witnesses have already been examined. At this stage, if accused No.1 is released on bail, he may threaten the trafficked Bangladeshi nationals, and destroy the materials available in the possession of the said witnesses, as rightly contended by the learned Special Public Prosecutor.

14. The learned counsel for accused No.1 has placed reliance on the decision of the Hon'ble Supreme Court in **SLP (Crl.) No.8865/2025, Sagar vs. State of U.P. and Another, decided on 28.11.2025**, wherein it is held that parity alone cannot be the sole ground for considering the prayer for bail. This Court kept in mind the principles laid down in the above decision, while disposing off this bail application. The learned counsel for accused No.1 has also relied upon the decision of the Hon'ble High Court

of Bombay, in **2025 SCC OnLine Bom 2403, Chetan Kisan Patil vs. State of Maharashtra**. I have perused the same, the facts and circumstances involved in the aforementioned decision are distinguishable to the present case on hand. With due respect to the Hon'ble High Court of Bombay, the decision of the Hon'ble High Court of Bombay, relied upon by the learned counsel for accused No.1 does not come to the aid of accused No.1.

15. It is pertinent to note that, the other grounds urged in the present application were already urged in the earlier bail applications, and this Court has already considered the said grounds and rejected the same. Therefore, there is no change in the fact situation or in law to consider the successive bail application filed by accused No.1, and this Court cannot record the findings contrary to the findings recorded in the earlier bail applications of accused No.1.

16. It is pertinent to note that the charge-sheet materials and other materials available on records clearly indicate that there is a prima facie case against accused No.1 since he has committed the offences punishable under Sections 120B and 307(3) of the IPC, Sections 14, 14A(b), 14C of the Foreigners Act, and Section 3 of the Passport (Entry into India Act, 1920 r/w Rule 6 of the Passport (Entry into India) Rules, 1950, which are punishable with imprisonment for life. As noted above, the offences alleged against accused No.1 are serious in nature. For the reasons discussed above, in the opinion of the Court, this is not a fit case to exercise discretion under Section 439 of Cr.P.C. **Accordingly, this Court has answered Point No.1 in the negative.**

17. Point No.2 :- In view of the discussions made supra, this Court proceeds to pass the following :-

ORDER

The bail application filed by accused No.1 - Mr. Firdoush @ Md Ferdous Bapari @ Firdous under Section 439 of the Cr.P.C., is hereby rejected.

(Dictated to the Senior Sheristedar, directly computerized by him, corrected and then pronounced by me, in open Court on this 12th day of June, 2026)

(KEMPARAJU),
XLIX Addl. City Civil & Sessions Judge,
(Special Judge for the trial of NIA Cases),
(CCH-50) Bengaluru.