



2026:AHC:114952

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 12859 of 2026

Danish Saifi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohammad Waseem
Counsel for Opposite Party(s) : G.A.

ALONGWITH

CRIMINAL MISC. BAIL APPLICATION No. - 13866 of 2026

Noor Islam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohammad Waseem
Counsel for Opposite Party(s) : G.A.

AND

CRIMINAL MISC. BAIL APPLICATION No. - 12885 of 2026

Amir Kaifi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohammad Waseem
Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Supplementary affidavit filed today in Court in all the three bail applications are taken on record.

2. Heard Learned Counsel for the applicants, Learned A.G.A. for the State and perused the record.

3. The aforesaid three bail applications have been filed with a prayer to release the applicants on bail in Case Crime No.65 of 2026, under Sections 298, 299, 196(1)(b), 279, 223(b) and 308(5) of the B.N.S. and Section 67 of the I.T. Act, Police Station- Kotwali, District- Varanasi, during the pendency of the trial.

4. Learned Counsel for the applicants has contended that the applicants have been falsely implicated in the present case. The applicants never intended to hurt the sentiments of the Hindu community. The applicants are said to be in jail since 17.03.2026 and are no longer required for any custodial interrogation. The Learned Counsel for the applicants further contends that apart from Section 308(5) of the B.N.S., none of the offences are punishable with imprisonment of more than seven years. The Learned Counsel has further contended that the allegations of extortion have been made quite belatedly and no reason for the said delay has been given. The applicants have no criminal antecedents and undertake not to repeat any such offence nor indulge in any similar activity which may be prejudicial or harmful to the interest of religious harmony. This Court, in Criminal Misc. Bail Application Nos.12532 of 2026 and 12529 of 2026, vide order dated 15.05.2026, has granted bail to the similarly situated co-accused. A co-ordinate Bench of this Court in Criminal Misc. Bail Application No.14740 of 2026 also, vide order dated 15.05.2026, has granted bail to the co-accused Mohd. Sameer, Mohd. Ahmad Raza and Mohd. Faizan.

5. The Learned A.G.A. has opposed the prayer for bail and has contended that the applicants have not only desecrated the River Ganges but have also attempted to disturb the communal harmony by uploading a video on Instagram through the handle of one of the accused Mohd. Tahseem. The uploading of the said video is a part of a larger conspiracy to disturb public harmony. The investigation is presently underway to find out who had funded the *Iftar party* and was instrumental in promoting the uploading of the video.

6. I have considered the submissions made by the Learned Counsels for the parties.

7. In the supplementary affidavit, filed today in Court in all the three bail applications, in paragraph No.4, following averments have been made:

"That the applicant has respect all the religion including Hinduism and Maa Ganges, therefore applicant without prejudice his rights during investigation and Trial tender his unconditional apologies here in below :-

"प्रार्थी माँ गंगा व हिन्दू धर्म का हृदय से सम्मान करता है। उपरोक्त मुकदमें की घटना से आहत हुए समस्त हिन्दू समुदाय एवम अन्य सभी धर्मावलम्बियों जिनकी आस्था का केन्द्र बिंदु माँ गंगा है, उनसे करबद्ध क्षमा प्रार्थी है, प्रार्थी माननीय न्यायालय एवम समस्त हिन्दू धर्मावलम्बियों को यह आश्वासन देता है कि इस प्रकार की किसी भी गतिविधियों में भविष्य में सम्मिलित नहीं होगा और मां गंगा का हृदय से आजीवन सम्मान करेगा।"

The averments made in the aforesaid paragraph as well as the submissions of the learned counsel for the applicants show a genuine remorse for the action attributed to the applicants.

8. This Court, while considering in detail the prayer for grant of bail for the co-accused, taking note of the period of detention, lack of criminal antecedents of the applicants as well as the apology, which has been expressed, has granted bail to the co-accused.

9. The note of apology that appears in the supplementary affidavit and the submissions of the Learned Counsels, in the opinion of the Court, appear to be heartfelt.

10. Taking into account the entire facts and circumstances of the case, the lack of criminal antecedents of the applicants, the period of detention already undergone and the apology expressed in the supplementary affidavits, prima facie, a case for bail is made out.

11. The bail applications are allowed.

12. Let the applicants – **Danish Saifi, Noor Islam and Amir Kaifi** involved in the aforementioned crime be released on bail, on their furnishing a personal bond and two reliable sureties each in the like amount, to the satisfaction of the Court concerned, subject to the following conditions:

- i. The applicants will not tamper with the evidence.
- ii. The applicants will not indulge in any criminal activity.

iii. The applicants will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.

iv. The applicants will appear regularly on each and every date fixed by the trial Court, unless their personal appearance is exempted by the Court concerned.

13. In the event of breach of any of the aforesaid conditions, the trial Court will be at liberty to proceed to cancel his/her bail.

14. It is made clear that the applicants shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

15. It is further directed that the trial Court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicants.

16. The observations made hereinabove are exclusively for deciding the instant bail application and shall not be construed as an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

May 18, 2026
Kushal