



2026:AHC:142077

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41516 of 2025

Asharaf Khan Alais Nisrat

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Saiyad Iqbal Ahmed
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Saiyad Iqbal Ahmed, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.

2. This second bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 194 of 2025, under Sections 152, 197 BNS, Police Station- Sasani Kotwari, District Hathras. The first bail application was rejected by this Court vide order dated 02.07.2025 passed in Criminal Misc. Bail Application No. 20227 of 2025.

3. Counsel for the applicant submits that there was no material to show that the applicant has ever forwarded the objectionable messages/post regarding defeat of India by the Pakistan. It is further submitted that the charge was framed on 10.02.2025, but till date not a single witness was examined by the trial court. Therefore, the applicant right to speedy trial has been violated. The applicant is languishing in jail since 13.05.2025. It is also submitted that the co-accused Shahrukh Khan has been granted bail by the co-ordinate Bench of this Court vide order dated 04.08.2025 passed in Criminal Misc. Bail Application No. 19917 of 2025. Therefore, the applicant is entitled to be released on bail on the ground of parity. It is further submitted that trial is going on, therefore, there is no requirement for custodial interrogation. The applicant has no criminal history. It is further submitted that the applicant undertakes that in case he is released on bail, he will not post or circulate any objectionable post, message, or

other contents that may be prejudicial to or adversely affect the national interest or create such an impression as also he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Par contra learned A.G.A. for the State opposed the prayer for bail and submitted that by making the objectionable post viral, the applicant has not only disrespected to the army of the country but also Prime minister, Defence Minister and also posted the slogan 'Pakistan Jindabad' though he is Indian citizen. Such act has not only imputation which is prejudicial to national integration but also comes in the category of act which encourages the separated activities. Therefore, the applicant is not entitled to be released on bail.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taken into account the applicant is in jail since 13.05.2025 and charge was framed on 14.02.2025 and till date not a single witness has been examined by the trial court. The speedy trial is the fundamental right of an accused. Also considering the allegation of making viral of objectionable video has been made against the co-accused Shahrukh Khan, who has already been released on bail and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is allowed.

6. Let the applicant- **Asharaf Khan @ Nisrat** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement,

threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

v. The applicant shall not post any material on social media which may have tendency of encouraging feeling of separatism activists or in any manner prejudicial to make a request or any particular community.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. Verification of mobile number as well as Aadhaar Card of the applicant and sureties should also be conducted by the court concerned.

10. It is made clear that the applicant shall be released on the basis of downloaded copy of this order 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.

11. It is 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 applicant.

12. Office is directed to send a copy of this order to the applicant through **Hathras Jail Superintendent** via e-mail or e-prison portal and Trial Court via e-mode within 24 hours in compliance of the orders of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu**

Writ Petition (Crl.) No. 4 of 2021 decided on **31.01.2023** reported in **(2024) 10 SCC 685** as well as in the case of **Pila Pahan @ Peela Pahan and others vs State of Jharkhand and another**, in **Writ Petition (Criminal) No.169 of 2025** decided on **29.05.2026**.

13. Application, if any, stands disposed of.

(Arun Kumar Singh Deshwal,J.)

July 14, 2026
Lbm/-