



2026:UHC:2713-DB

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

THE HON'BLE SRI JUSTICE ALOK MAHRA

16TH APRIL, 2026

CRIMINAL APPEAL No.161 of 2025

Abdul Malik

....Appellant

Versus

State of Uttarakhand

....Respondent

Counsel for the Appellant : Mr. Sanpreet Singh Ajmani, Advocate
with Mr. Vikas Kumar Guglani, Advocate
and Ms. Amitoz Kaur, Advocate.

Counsel for the Respondent : Mr. J.S. Virk, Deputy Advocate General
with Mr. Rakesh Kumar Joshi, Assistant
Government Advocate.

(Per : Shri Alok Kumar Verma, J.)

Appellant-Abdul Malik is in judicial custody for the offence punishable under Sections 147, 148, 149, 307, 323, 332, 341, 342, 353, 395, 427, 436, 333, 412, 120B of the Indian Penal Code, 1860, Section 7 of the Criminal Law Amendment Act, 1932, Section 3 and Section 4 of the Prevention of Damage to Public Property Act, 1984, Section 15 read with Section 16 of the Unlawful Activities (Prevention) Act, 1967, Section 3 read with Section 25, Section 4 read with Section 25 and Section 7 read with Section 25 of the Arms Act, 1959 in Case Crime No.21 of 2024, registered at Police



Station Banbhoolpura, Haldwani, District Nainital.

2. On 06.02.2025, learned Special Judge (U.A.P., Act)/Ind Additional Sessions Judge, Haldwani, District Nainital has rejected the bail application of the appellant, filed in Special Sessions Trial No.1 of 2024.

3. In short, the case of the prosecution is that on 08.02.2024, the police team was present during the demolition proceedings of the mosque located in the Malik Ka Bagicha. Thousands of people were present at the spot. The mob pelted stones at the police while shouting inflammatory slogans. The government and private vehicles were burnt by them. They had set the police station on fire. They threw petrol bombs and fired at the police. Before the said incident, a meeting was held at the house of the appellant on the night of 30.01.2024.

4. Heard Mr. Sanpreet Singh Ajmani, learned counsel for the appellant and Mr. J.S. Virk, learned Deputy Advocate General for the respondent.

5. Mr. Sanpreet Singh Ajmani, Advocate, has contended that the appellant was not present in the State of Uttarakhand on the date of the incident. He was in Noida and Delhi. There is no direct evidence regarding the alleged conspiracy. The entire allegations



against the appellant do not inspire confidence and the possibility of false implication cannot be completely ruled out. Appellant has not been convicted by any court in any criminal case. He has been in custody since 23.02.2024. He is a permanent resident of District Nainital, therefore, there is no possibility of his absconding. Charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence. Co-appellants including the co-appellant Abdul Moied, the son of the appellant, have already been granted bail by the Co-ordinate Bench of this Court.

6. On the other hand, Mr. J.S. Virk, Deputy Advocate General appearing for the respondent, has opposed the appeal and submitted that the present appellant and his son Abdul Moied were the main conspirators of the incident. However, he has fairly conceded that as per the investigation, the appellant was not present at the spot on 08.02.2024, and, the co-appellant Abdul Moied has been granted bail by the Co-ordinate Bench of this Court.

7. Having considered the submissions of the parties, this Court is of the view that the appellant is entitled to be released on bail at this stage.



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8. Accordingly, the present Criminal Appeal (CRLA No.161 of 2025) is allowed. The order dated 06.02.2025, passed by learned Special Judge (U.A.P., Act)/IInd Additional Sessions Judge, Haldwani, District Naintal in Special Sessions Trial No.1 of 2024, is hereby set aside. The appellant-Abdul Malik is directed to be released on bail, if he is not wanted in any other criminal case, on furnishing a personal bond and two reliable sureties to the satisfaction of the Special Judge, subject to the following conditions:-

- (i) Appellant shall attend the trial court regularly and he shall not seek any unnecessary adjournment;
- (ii) Appellant shall not directly or indirectly make any inducement, threat or promise to any person, acquainted with the facts of this case.
- (iii) Appellant shall not leave the country without the previous permission of the trial court.

Alok Kumar Verma, J.

Alok Mahra, J.

Date: 16.04.2026
JKJ/Pant