

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**Bail Appln. No. 11 of 2022**

Mr. Mark Thangmang Haokip @ Mark T Haokip, aged about 39 years, s/o Limkhosei Haokip of Molnom Village, P.O., P.S. and district Churachandpur, Manipur at present resident of 2<sup>nd</sup> Floor, House No. 42/9, Kishan Garh, New Delhi.

***... Petitioner***

***-Versus -***

1. The State of Manipur, represented by Commissioner/Secretary (Home), P.O. & P.S. Imphal, Imphal West District, Pin No. 795001, Manipur.
2. The Officer-in-charge of Imphal Police Station represented by its Officer-in-charge at Imphal, Manipur.

***...Respondents***

**BEFORE  
HON'BLE MR. JUSTICE M.V. MURALIDARAN**

For the Petitioner	::	Mr. Ashish Deep Verma, Advocate
For the Respondents	::	Mr. Lenin Hijam, AG Mr. L. Somorendro Roy, Adv.
Date of Hearing and reserving Judgment & Order	::	28.09.2022
Date of Judgment & Order	::	<b>02.11.2022</b>

**JUDGMENT AND ORDER**  
(CAV)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking bail in connection with FIR Case No.129(05)2022 under Sections 120-B/121/121-A/123/400 IPC and Sections 17/18 of UA(P) Act on the file of Imphal Police Station.

2. Brief facts are that on 30.5.2022, the complainant Sanjeeva Singh, Sub-Inspector of Police, Imphal Police Station, submitted a written report to the Officer-in-Charge of Imphal Police Station stating that as per reliable information, the petitioner, the President of an outfit organisation called “Government of the People’s Democratic Republic of Kukiland” was involved in a conspiracy for secession from India and to wage war or attempting to wage war or abetting wage war against the Government of India along with three other officer bearers, namely (i) KS Kipgen-Secretary (Admn); (ii) LunkhohaoHaokip-Sectary (Political Affairs) and (iii) CSK Mate (Press Secretary). The petitioner was also involved in spreading propaganda in social media platform so as to create instability, communal hatred, animosity, inciting violence, false

propaganda etc., so as to achieve the organisational goal of Government of Kukiland. The petitioner also owns a website domain to propagate their ideas and hatch conspiracy against the Government. Based on the complaint, the Imphal Police Station registered an FIR No129(5)2022 under Sections 120-B/121/121-A/123/400 IPC and Sections 17/18 of UA(P) Act against the petitioner and took up the case for investigation by the investigating officer.

3. The case of the petitioner is that he has been wrongly implicated in this case and illegally detained in the custody by the arresting authority. All the allegations are based on bogus and cooked up story of investigating authority, including the allegations that he is the President of an outfit organisation called “Government of the People’s Democratic Republic of Kukiland”, which hatched conspiracy to wage war and conspired to secede from India. Sans the ingredients nor the facts of attracting invocation of Sections in the FIR are prima facie established further detention of the petitioner. Hence, the petitioner has to be released on bail.

4. Objecting the bail petition, the Superintendent of Police, Imphal West District, filed affidavit stating that the

petitioner had admitted to have involved in conspiracy for secession from the Union of India and the Government of Manipur and to form a Government of the People's Democratic Republic of Kukiland by means of waging war, attempting to wage war and abetting to waging war against the lawfully established Government. Because of his continuous incriminating rants through social media posts on sensitive issues, many law and order issues had been created. The petitioner is using social media platform as propaganda to achieve the goal to create instability, communal hatred, animosity, inciting violence, false propaganda to breed hatred and violence to achieve the organisational goal. The petitioner's group is nothing but a gang waging war against the country and organisation with the sole objective of secession from the Indian State to establish their so called Kukiland. The petitioner found to have involved in many criminal cases and lot of evidences are available to establish that he had committed the offence alleged in the instant FIR. Hence, prayed for dismissal of the bail petition.

5. Mr. Ashish Deep Verma, the learned counsel for the petitioner submitted that earlier the petitioner was arrested

at Delhi on 24.5.2022 by the personnel of Imphal Police Station in connection with 3 FIRs registered under Sections 153A, 505(2) IPC and brought to Imphal by transit remand and that on 27.5.2022, the learned Duty Magistrate released him on bail as no case was made out against. Since the petitioner was not able to furnish requisite bonds, he was sent to judicial custody. On 30.5.2022, the petitioner was released from jail on furnishing necessary bonds. While so, on the same day, the petitioner was arrested in connection with the present FIR on the allegation of certain facebook posts uploaded by him.

6. The learned counsel further submitted that the present FIR is registered with the sole motive to confine the petitioner in custody even after his release by the Court. Multiple FIRs have been registered against the petitioner for the same post. In fact, in his post dated 21.8.2020, the petitioner clarified that People's Democratic Republic of Kukiland [for short, "PDRK"] was created to spread and clarify the Kuki community's ideology and in his another post dated 14.2.2018, the petitioner was against the idea of creating new militant group and suggested to resort to politics and non-violence to realize their hopes. These innocuous facebook posts do not fall within the

meaning of any of the offences charged against him. Rather, it is the protection by the fundamental right of free speech as enshrined under Article 19(1)(a) of the Constitution of India.

7. The learned counsel urged that prima facie no material available to make out the offence of waging war against nation etc. All the FIRs, including the present FIR registered against the petitioner are on fabricated grounds and that accusing the petitioner for waging war against the nation have been invoked with an ulterior motive to confine him after his release in the earlier FIRs based on the concocted stories. There are no materials for any of the offences charged against the petitioner.

8. The learned counsel further submitted that earlier when the petitioner approached the learned Sessions Judge, Imphal West for grant of bail in Cril. Misc. (B) No.60 of 2022, the learned Judge dismissed the same on vague grounds and the same is liable to be set aside. Thus, a prayer is made to grant bail to the petitioner.

9. Per contra, Mr. Lenin Hijam, learned Advocate General assisted by Mr. L. Somorendro Roy, learned junior

counsel to learned Advocate General submitted that the petitioner was arrested on the serious allegations of waging war against India and the same has been discovered by the prosecution during the course of extensive investigation that he has formed PDRK along with three persons and that he refuses to identify the other persons of his group and that the investigation is still in active progress to track the sources of funding and expenditures of PDRK.

10. Mr. Lenin Hijam, the learned Advocate General further submitted that conspiracy for waging war against the nation is clearly reflected from the website materials collected from [www.kukigovt.com](http://www.kukigovt.com) and the entries of the diary seized from the possession of the petitioner.

11. The learned Advocate General urged that the petitioner is a famous social media influencer with a huge fan following and used to upload offensive posts, which may cause hatred and dissatisfaction between various groups. His arrest evokes mass scale violent protests by his followers and sympathizers. If he is released on bail, the petitioner is likely to continue to post offensive posts on social media and thus will create hostile atmosphere amongst various communities on

ethnic line. Taking into consideration the serious allegation of waging war, the learned Sessions Judge rightly dismissed the bail petition of the petitioner and no need to interfere in it.

12. It is the submission of the learned Advocate General that the investigation so far reveals that there is prima facie evidence against the petitioner's involvement in conspiracy of waging war, attempting to wage war, abetting to wage war against the Government and raising funds for terrorist acts to establish a Kuki Nation and that the petitioner and his associates are working against the Government of India and the Government of Manipur. Thus, a prayer is made to dismiss the bail petition.

13. This Court considered the rival submissions and also perused the materials available on record.

14. The petitioner was arrested on the allegation of his involvement in conspiracy for secession from the Union of India and the Government of Manipur and for forming a Government of PDRK by means of levying war, attempting to wage war and abetting to waging war against the lawfully established Government, in defiance of the sovereign with an object to



deliberate for an organised attack upon the Government of India.

15. According to the prosecution, the petitioner through his propaganda and instigation, mobilised people and obstructed when people went for free plantation program at Thangjing Hills. Because of his act, the matter was likely to be converted into communal hatred/tension between Meitei and Kuki communities in the State. Again in the Koubru incident the petitioner instigated people and obstructed officers of Forest Department, Art and Culture Department, Government of Manipur from discharging their official duties. On 25.5.2022, the members belonging to the petitioner's group launched a violent protest against the Government of Manipur in the Kuki dominated area in Churachandpur and Kangpokpi Districts against the arrest of the petitioner by a team of Manipur Police at Delhi. In this violent protest, three police personnel were injured and some civilian are also injured. Such incident of violent protest took place in Churachandpur as induced by his associates and supporters.

16. According to the prosecution, the petitioner under the disguise of a human rights activist has worked with a serious

intention and purpose to bring into hatred or contempt and amplify it as an instrument to mobilise people against the State with the aim of establishing a Kuki nation. In support, the prosecution has produced certain messages posted by the petitioner in the website, wherefrom, this Court finds that the petitioner by creating a website [www.kukigovt.com](http://www.kukigovt.com) and uploading various incriminating articles has a long standing conspiracy to establish a Kukiland along with other office bearers, all whom he has been concealing till now.

17. On a perusal of the materials, this Court finds the following facebook message posted on 4.2.2020, wherein the petitioner has stated as under:

*“ ... In Kuki, we have hopes and future, which we will flourish with the Mighty hand of God through His son. Jesus freedom and democracy. Before they forcefully make us worship their curved images we must strengthen ourselves in God to fight for our freedom or our descendants will face great troubles in the near future.*

*In Kuki, we have hopes and future, which we will flourish with a Mighty hand of God through His son Jesus Christ.*

*May God bless our great Kiki Nation.”*

18. The respondents have also produced a press release of PDRK, wherein it has been stated as under:

*“DRK will not accept and compromise anything that threatened the Sovereign rights and dignity of Kuki Nation.”*

19. That apart, in the material produced by the respondents under the caption “KukiGovt”, the following facebook post of the petitioner found place:

*“It is our highest solemn petition to the world to recognize the Democratic Republic of Kukiland and our determined aspirations to make it a pure Christian country.”*

20. The aforesaid posts prima facie prove that the petitioner and his associates are working with a serious intention to bring into hatred or contempt against other communities and amplify it as an instrument to mobilise people against the State and that they are using social media platform as a medium of propaganda to achieve the goal to create instability, communal hatred, animosity, inciting violence, false propaganda to breed hatred and violence to achieve the organisational goal i.e. PDRK comprising of different parts of

India, Bangladesh and Burma. Prima facie, it also proves that the aforesaid group is nothing but a gang waging war against the Indian nation with the sole objection of secession from the Indian State to establish their so called Kukiland comprising of different parts of Bangladesh, Myanmar and India.

21. The petitioner contended that the allegation of the police or whomsoever concern by way of lodging report to whichever police station are involving to the single issue of the Hills and Valleys or the land the area vis-à-vis the history of Manipur and these are all subject matter covered within the Manipur State and the opinion so far given and uploaded in the social media/facebook by the petitioner does not attract Sections 120-B/121/121-A/123/400/468 IPC and Sections 17/18 of UA (P) Act and these issues are complex in nature and can only be deliberated by the competent authority or a historian. The aforesaid contention of the petitioner cannot be accepted for the simple reason that prima facie evidences are available against the petitioner to show that the petitioner and his associates have been collecting and influencing people with an intention of waging war against the Government of India and the Government of Manipur which in itself an offence.

22. Social media is accessible to innumerable people both in the country and worldwide and, thus, the petitioner's influence in inciting hatred and communal animosity undoubtedly reveal overt incitement to violence for the purpose of establishing Kukiland.

23. War as contemplated in Section 121 and 121-A IPC does not only mean conventional war and warfare. The manner the petitioner collecting people and funds with a suspected plan to eventually procure arms and ammunition to achieve his ulterior motive i.e. Kukiland is a prima evidence of his clear intention and purpose to wage war against the State in his goal to establish Kukiland.

24. The prima facie evidence also proves that the petitioner by building a website [www.kukigovt.com](http://www.kukigovt.com) has a long standing conspiracy to establish a Kukiland along with other office bearers and uploaded various incriminating articles in the aforesaid website.

25. Earlier, when the petitioner approached the learned Sessions Judge, Imphal West for grant of bail in Cril. Misc. (B) Case No.60 of 2022, the learned Sessions Judge, by

the order dated 21.6.2022, dismissed the petition by observing as under:

*“6. From the materials on record including bail report and case diary, it is seen that the accused has been charged with serious offence of waging war against the nation. It is an admitted fact that he was released on bail in FIRs relating to facebook posts uploaded by the accused. It will be wrong to presume that the present FIR has arisen out of facebook posts. On perusal of case diary, there is prima facie materials for conspiracy to wage war against the nation, even though full-scale activities of recruiting volunteers, procuring arms and ammunition, etc. have not been reached. Nevertheless, there are instances of setting out ideologies, identifying enemies, identifying area to be covered under the new republic across neighbouring countries, etc. The investigation is at an early stage and many loose ends are to be tightened. At this stage, this Court is not inclined to release the accused on bail. Accordingly, the bail application is rejected.”*

26. This Court finds no infirmity in the order of learned Sessions Judge in rejecting the bail petition of the petitioner, as the learned Sessions Judge having gone through the bail objection report and the case diary has rightly rejected the bail petition of the petitioner. No valid ground has been made out by the petitioner to interfere with it.

27. The law is well settled that the totality of the material gathered by the investigating agency and presented along with the report and including the case diary is required to be reckoned and not by analysing individual pieces of evidence or circumstance. In any case, the question of discarding the document at this stage, on the ground of being inadmissible in evidence is not permissible. For, the issue of admissibility of the document/evidence would be a matter for trial. The Court must look at the contents of the document and take such document into account as it is.

28. As could be seen from the materials produced by the respondents, many incriminating documents/articles, including one incriminating article titled "Feasibility on restoring the sovereign Kukiland" were recovered from the possession of the petitioner. That apart, the prosecution has also collected

Bank statements of the petitioner, wherefrom they found multiple transactions from numerous accounts. According to the respondents, the transactions are highly suspected to be associated with terror funding and the investigating team is putting in efforts to identify the accounts involved in the transactions.

29. The petitioner himself admitted that apart from the instant FIR case, he has also been charged with the following FIRs:

- (i) FIR No.17(02)2021 CCP-PS under Section 153-A IPC.
- (ii) FIR No.74(07)2021 CCP-PS under Section 153-A/505(2) IPC.
- (iii) FIR No.60(04)2021 IPS under Section 153-A/505(b)(2)/506/120-B IPC.
- (iv) FIR No.108(07)2021 IPS under Section 153-A/505(b)(2)/506/120-B IPC.
- (v) FIR No.205(11)2021 IPS under Section 153-A/505(2)/506/120-B IPC.



(vi) FIR No.150(5)2022 PRT-PS under  
Section 203/ 295-A/ 419/ 500/ 504/ 505/  
506/120-B IPC.

30. The registration and pendency of the multiple FIRs clearly proves that the petitioner is a notorious person involved in many number of cases and therefore, releasing him in the present FIR which was lodged levelling serious allegations against him is not possible and also no valid ground has been made out for his release in the present FIR. The registration of multiple FIRs against the petitioner is not same set of facts and allegations.

31. On a perusal of the decisions relied by upon by learned counsel for the petitioner in the cases of **(i) Union of India v. K.A.Najeeb, (2021) 3 SCC 713; (ii) Thwaha Fasal v. Union of India, 2021 SCC OnLine SC 1000; (iii) Satender Kumar Antil v. CBI, 2022 SCC OnLine SC 825; (iv) Shreya Singhal v. Union of India, (2015) 5 SCC 1; (v) Tarak Dash Mukharjee v. State of UP, 2022 LiveLaw (SC) 731 and (vi) Judgment and Order dated 9.4.2021 passed in Criminal Appeal No.192 of 2022 on the file of Gauhati High Court**, this Court is of the view that they are distinguishable and are not

applicable to the facts and circumstances of the instant case. That apart when serious allegations have been levelled against the petitioner and prima facie the same has been established by the prosecution, the petitioner cannot seek aid of the aforesaid decisions.

32. In the result, the bail application is dismissed. No costs.

**JUDGE**

**FR/NFR**

*Sushil*