

Court No. - 1

Case :- CRIMINAL APPEAL No. - 1149 of 2024

Appellant :- Muneer Alam

Respondent :- State Of U.P. Thru. Prin. Secy. /Addl. Chief Secy. Home Lko. And Another

Counsel for Appellant :- Sheeran Mohiuddin Alavi, Harsh Vardhan Kediya

Counsel for Respondent :- G.A.

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Saurabh Lavania, J.

C. M. Application No.2 of 2024 (Application for bail)

1. Heard Shri Harsh Vardhan Kediya, learned counsel for the appellant and learned A.G.A. for the State.
2. This is an appeal under Section 21(4) of the National Investigation Agency Act, 2008 (hereinafter referred to as 'the Act, 2008') for setting-aside order dated 16.10.2023 passed by the Additional Sessions Judge, Court No. 5/Special Judge, NIA/ATS, Lucknow rejecting the bail application of the appellant herein bearing Bail Application No.7499 of 2023, CNR No.UPLK010166032023 arising out of Case Crime No.411 of 2022, under Sections 120-B, 121-A, 153-A, 295-A, 109, 505(2) IPC and Sections 13(1)(a), 13(1)(b) and 39 of the Unlawful Activities (Prevention) Act, 1967, Police Station- Kharkhauda, District- Meerut.
3. The prosecution case, in brief, is that on 24.09.2022 an F.I.R. was lodged at Police Station- Kharkhauda, District- Meerut to the effect that various Agencies including Anti-Terrorist Squad, Uttar Pradesh had been receiving information that Popular Front of India and certain other Muslim Organizations were engaging themselves in Anti-National Activities with intent to divide and disintegrate India and establish Islamic State by 2047. They were conspiring to do so. The information was received by the Inspector, Anuj Kumar that in western U.P. under the leadership of State President of west U.P. of All India Imam Council and Ex Member of PFI, Mohd. Shadab Ajeej, accused Maulana Sajid, Mufti Shahzad and Mohd. Islam Qasmi were actively participating to strengthen the aforesaid organization and establish Gazwa-e-Hind in Hindustan. The Informant informed on 22.09.2022 that Mohd. Shadab Aziz Qasmi, Maulana Sajid, Mufti Shahzad and Mohd. Islam Qasmi were present at their

house. Accordingly, they were apprehended for investigation. Ultimately, charge sheet dated 16.03.2023 was filed against the said accused.

4. The contention of the appellant counsel was that the name of the appellant came to light during investigation on the basis of documentary evidence. It was found that some amounts were credited by the PFI in the account of the appellant. The appellant has confessed that the said amount was used for the anti-social activities. Learned counsel for the appellant has submitted that only on the basis of documentary evidence, the appellant has been assigned the role to be involved in the anti-social activities. The confessional statement made before the police has no evidentiary value. The charge sheet has already been submitted and there is no likelihood of the investigation being affected. The appellant is in jail since 03.07.2023 and the charge sheet has already been filed and as there are several witnesses the trial is not likelihood to be completed in the near future, therefore, he is entitled to be enlarged on bail.

5. Learned counsel for the appellant also submits that the Court has already allowed the appeal in the similar matters and granted bail to the accused, namely, Mufti Shahzad, Maulana Sajid, Mohd. Islam Qasmi and Mohd. Shadab Aziz Qasmi by passing detail orders on 19.12.2023 in Criminal Appeal No.1864 of 2023, Criminal Appeal No.1867 of 2023, Criminal Appeal No.1871 of 2023 and Criminal Appeal No.1872 of 2023 respectively.

6. In view of the aforesaid facts and circumstances of the case and also that the Court has already allowed similar Criminal Appeals and granted bail to the accused, namely, Mufti Shahzad, Maulana Sajid, Mohd. Islam Qasmi and Mohd. Shadab Aziz Qasmi, the present Criminal Appeal is liable to be allowed . Accordingly, the Criminal Appeal is **allowed** and the impugned rejection order dated 16.10.2023 is set aside.

7. Let the appellant - **Muneer Alam** be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of the Court concerned, with the following conditions:-

(i) The appellant shall deposit his passport with ATS, Meerut and shall not leave the country without permission of the trial Court.

(ii) Appellant shall not leave boundaries of the State of Uttar Pradesh without permission of the trial Court. He shall present himself before the Investigation Officer of Police Station ATS, Meerut in the third week of every month and if not possible on the said date, he shall positively appear by the last day of the month.

(iii) Appellant shall not indulge in any criminal activity while on bail and if he does, then, it can be made the basis for seeking cancellation of the bail by the prosecution.

(iv) The appellant shall not communicate or try to communicate with any of the witnesses or alleged victims or try to influence them otherwise and if he does, then, this can be made a ground for seeking cancellation of his bail.

(v) The appellant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(vi) The appellant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

8. It is made clear that observations made in this order shall not affect the trial, in any manner.

[Saurabh Lavania,J.] [Attau Rahman Masoodi,J.]

Order Date :- 25.4.2024
Mohd. Sharif