

**Court No. - 73**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 12653 of 2024

**Applicant :-** Riyaz Alias Ovaisi

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Dileep Kumar Singh, Kushal Raj Chaudhary

**Counsel for Opposite Party :-** G.A.

**Hon'ble Sameer Jain, J.**

1. Heard Sri Satyaveer Singh, Advocate holding brief of Sri Dileep Kumar Singh, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned A.G.A. for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.06 of 2024, under Sections 153-A, 295-A, 505(2) I.P.C. and Section 67 I.T. Act, Police Station Sureri, District Jaunpur, during pendency of the trial in the court below.

3. As per allegation, applicant through his facebook messenger abused Lord Shri Ram.

4. Learned counsel for the applicant submits that applicant is innocent and he never through his facebook messenger abused Lord Shri Ram.

5. He further submits that applicant is law abiding citizen of this country and he is having faith in Hindu religion although he is Muslim.

6. He further submits that actually his friend used his facebook account.

7. He further submits that even when this fact was revealed to the applicant then he tendered unconditional apology before the police station and this fact specifically been averred in para 15 of the affidavit filed in support of the instant bail application.

8. He further submits that the secular fabric of this country is not so weak, which can be disturbed by such type of fake messages.

9. He further submits that applicant is not having any criminal history to his credit and he is in jail in the present matter since 28.01.2024.

10. Per contra, learned A.G.A. opposed the prayer for grant of bail but could not dispute the fact that applicant is not having any criminal history to his credit and he is in jail in the present matter since 28.01.2024.

11. He further could not controvert the averment made in para 15 of the affidavit filed in support of the instant bail application.

12. I have heard learned counsel for both the parties and perused the record of the case.

13. However, from the record, it reflects that as per facebook messenger account of the applicant, an abusive message was sent insulting Lord Shri Ram but it appears that applicant is not having any criminal history to his credit and he is in jail in the present matter since 28.01.2024.

14. Further, from para 15 of the affidavit, it appears that he has tendered his unconditional apology and averment of para 15 of the

affidavit has not been controverted by learned A.G.A.

15. Further, all the alleged offences are punishable with maximum punishment of three years.

16. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

17. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

18. Let the applicant- **Riyaz Alias Ovaisi**, be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

19. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

20. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail

application and the said observations shall have no bearing on the merits of the case during trial.

**Order Date :- 10.4.2024**

Zafar