

**IN THE COURT OF SH. SAMEER BAJPAI
ADDITIONAL SESSIONS JUDGE-03
(SHAH DARA), KARKARDOOMA COURT, DELHI**

I.A. No. : 228/2024

Tahir Hussain vs. State

SC No. : 163/2020

FIR No. 59/2020

P.S. - Crime Branch, Delhi (Investigated by Special Cell)

U/S. 13/16/17/18 UA(P)Act, 120B r/w

109/114/124-A/147/148/149/153A/186/201/212/295/302/307/341/353/39

5/419/420/427/435/436/452/454/468/471/34 IPC & Section 3 & 4

Prevention of Damage to Public Property Act, 1984 and

Section 25/27 Arms Act

29.01.2026

Present : Ms. Shivangi Sharma counsel for the applicant/accused Tahir Hussain.
Sh. Amit Prasad, Sh. Akhand Pratap Singh, Sh. Madhukar Pandey, (through Webex) and Sh. Anirudh Mishra (in Court) Special Public Prosecutors for the State alongwith Sh. Ayodhya Prasad, Adv. cum Assistant to SPP, Sh. Harshil Jain Adv. and Ms. Ananya Bose Adv.

1. The present application for grant of regular bail has been moved on behalf of the applicant/accused Tahir Hussain u/s 480 BNSS.

2. It is pertinent to mention that the application was moved on 19.12.2024 but the same remained pending as adjournments were sought by

the ld. counsel on different reasons, mainly for the reason that the petitions of co-accused persons for bail were pending either in the Hon'ble High Court or Hon'ble Supreme Court and the applicant wanted to wait for the outcome of those petitions.

3. Ld. counsel submits that recently vide order dated 05.01.2026, the Hon'ble Supreme Court has been pleased to allow the petitions of five co-accused persons and in view of the observations as given by the Hon'ble Supreme Court, the applicant deserves bail.

4. Ld. counsel further submits that the case of the applicant is on the lower footing and less serious than the case of those five co-accused persons namely Mohd. Saleem Khan, Gulfisha Fatima, Shadab Ahmad, Shifa-Ur-Rehman and Meeran Haider, who have been granted bail by Hon'ble Supreme Court vide order dated 05.01.2026 and as such on merits the applicant also deserves bail. Further, in the beginning of the proceedings of the case, other co-accused persons namely Devangana Kalita, Natasha Narwal and few others were granted bail by the Hon'ble High Court and accused Isharat Jahan was granted bail by this Court and on parity, the present applicant also must be granted bail.

5. Another submission of ld. counsel for the applicant is that earlier, the previous bail application of the applicant was dismissed by this

Court vide order dated 30.03.2024 and the accused did not challenge the said order and now, since after the order dated 05.01.2026 of the Hon'ble Supreme Court circumstances have changed in favour of the applicant/accused, the applicant also deserves bail.

6. Ld. counsel further submits that since arrest, the applicant/accused has been languishing in jail for last about six years and in the case charge has not been framed yet and even if in near future charge is framed, the trial will take a long time as the prosecution will have to examine around 950 witnesses and therefore, the applicant deserves bail.

7. One more submission of the ld. counsel is that in case FIR no. 101/2020 PS Khureji, the examination of one of the main witnesses, Rahul Kasana, who is also a witness in the present case, has been done and he has deposed nothing incriminating against the applicant.

8. While addressing arguments ld. counsel for the applicant read relevant paras of the order of the Hon'ble Supreme Court as passed on 05.01.2026 with respect to some co-accused persons and compared the case of the applicant with those accused persons.

9. The short reply on behalf of the prosecution is that the prosecution has already demonstrated a prima-facie case against the

applicant by referring the charge sheet and the earlier bail application has been dismissed by this Court vide order dated 30.03.2024, giving finding that prima-facie case is there against the applicant and as such the bar u/s 43D(5) UAPA continues to operate and since then there is no material change in circumstances.

10. The Court has heard arguments and gone through the record and the order dated 05.01.2026 as passed by Hon'ble Supreme Court regarding some co-accused persons.

11. No doubt that the Hon'ble Supreme Court, vide order dated 05.01.2026 has granted bail to five co-accused persons namely Mohd. Saleem Khan, Gulfisha Fatima, Shadab Ahmad, Shifa-Ur-Rehman and Meeran Haider, but in the same order the Hon'ble Supreme Court has also dismissed the petitions of the other co-accused persons Umar Khalid and Sharjeel Imam being the key conspirators.

12. The most important aspect before the Court now is that this Court has already dismissed the earlier bail application of the applicant vide order dated 30.03.2024, giving finding that the allegations against the applicant are prima-facie true. In the earlier order, this Court also observed that prima-facie case was there against the applicant and the Bar u/s 43D(5) of UAPA was there and therefore, the case of the applicant was not a fit case

for bail. Now, despite the order of the Hon'ble Supreme Court regarding the co-accused persons, when this Court has once formed the opinion that prima-facie case is made out against the applicant, no other different opinion can be formed now by reviewing the earlier order.

13. Accordingly, the Court doesn't find merits in the application and the same is hereby dismissed.

Nothing stated herein shall tantamount to an expression of opinion on the merits of the case.

Order dasti.

(Sameer Bajpai)
Addl. Sessions Judge-03
Shahdara District, Karkardooma Courts,
Delhi : 29.01.2026