

**Court No. - 68**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 53115 of 2021

**Applicant :-** Inayat Altaf Shekh And 2 Others

**Opposite Party :-** State Of U.P. Through Secretary Home At Lucknow

**Counsel for Applicant :-** Santosh Kumar Singh, Ramesh Chandra Yadav, Sudhakar Yadav

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

**Hon'ble Ajay Bhanot, J.**

A first information report was lodged as Case Crime No.675 of 2021 at Police Station- Jagdishpura, District-Agra under Sections 153-A, 505(1)(b), 124A IPC. The applicant is in jail since 27.10.2021, pursuant to the said F.I.R.

In brief the prosecution case set out in the F.I.R. states that the applicants had raised pro Pakistan slogans and also sloganeered against India in the aftermath of an Indo-Pak match. They also made like posts on social media and instigated civil disorder in the country.

Shri Ramesh Chandra Yadav, learned counsel assisted by Shri Santosh Kumar Singh, learned counsel and Shri Sudhakar Yadav, learned counsel for the applicants contend that the applicants have been falsely implicated in the instant case. The case is in fact the result of student rivalries over trivial issues. The applicants did not raise anti India and pro Pakistan slogans. The applicants are

responsible Indian citizens who hail from the State of Jammu & Kashmir which is the very embodiment of Indian values. According to the learned counsel, the applicants truly represent Kashmiriyat defined by syncretist ideals and composite culture. These ideals also form the essence of Indian values diversely expressed in various parts of the country. The applicants are young students with a bright future. The trial is moving at a snail's pace and is not likely to conclude any time soon. The inordinate delay in the trial will lead to indefinite detention of the applicants. Learned counsel for the applicants contends that the applicants do not have any criminal history apart from the instant case. Lastly it is contended by the learned counsel for applicants that the applicants shall not abscond and will cooperate in the criminal law proceedings. The applicants shall not tamper with the evidence nor influence the witnesses in any manner.

Learned A.G.A. for the State reiterates the prosecution case stated in the F.I.R. He contends that the State has always welcomed students from all parts of the country with open arms but students cannot exhibit disloyalty to the country and spread disharmony in the society. On the basis of

instructions, he does not contest the fact that the applicants do not have any criminal history apart from this case.

The unity of India is not made of bamboo reeds which will bend to the passing winds of empty slogans. The foundations of our nation are more enduring. Eternal ideals bind the indestructible unity of India. Constitutional values create an indissoluble union of India. Every citizen of the country is the custodian, and the State is the sentinel of the unity of India and the constitutional values of the nation.

Students travelling freely to different parts of the country in the quest for knowledge is the true celebration of India's diversity and a vivid manifestation of India's unity. It is the duty of the people of the hosting State to create enabling conditions for visiting scholars to learn and to live the constitutional values of our nation. It is also the obligation of the young scholars to imbibe and adhere to such values.

Constancy of Indian values and perpetuity of the Indian people led the poet Iqbal to sing aloud the glory of our motherland:

"कुछ बात है कि हस्ती, मिटती नहीं हमारी।

सदियों रहा है दुश्मन, दौर-ए-ज़माँ हमारा।।

सारे जहाँ से अच्छा, हिन्दोस्ताँ हमारा।।"

The Court is entertaining the bail application directly. There are exceptional circumstances for doing so. It is informed that the Agra District Bar Association had passed a resolution for not providing any legal assistance to the applicants. The applicants were also assaulted in the District Court at Agra. The Court does not propose to enquire into this allegation at this stage since it is better to enlarge the applicants on bail and cut the controversy short. However, the Court feels that if the allegations are true, it is a matter of concern. Lawyers have an oath inscribed in their consciences to assist the cause of law under all circumstances and to serve justice to all those who seek it at all times.

I see merit in the submissions of the learned counsel for the applicants. The submissions of the learned counsel for the applicants could not be satisfactorily disputed on behalf of the State. Accordingly, I hold that the applicants are entitled to be enlarged on bail.

In the light of the preceding discussion and without making any observations on the merits of the case,

the bail application is allowed.

Let the applicants-Inayat Altaf Shekh, Shokat Ahmad Gani and Arsheed Yusuf in Case Crime No.675 of 2021 at Police Station-Jagdishpura, District-Agra under Sections 153-A, 505(1)(b), 124A IPC, be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

(i) The applicants will not tamper with the evidence during the trial.

(ii) The applicants will not influence any witness.

(iii) The applicants will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The applicants shall not directly or indirectly make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

**Order Date :-** 30.3.2022  
Ashish Tripathi