

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 55315 of 2022

Applicant :- Javed Mohammad @ Pump @ Javed Ahmad

Opposite Party :- State of U.P.

Counsel for Applicant :- Syed Ahmed Faizan,Zaheer Asghar

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

**Ref: Criminal Misc. Amendment/Correction
Application No.Nill of 2023**

Heard.

Amendment application is allowed.

Necessary amendment to be carried out during the course of the day.

By means of the bail application, the applicant has prayed to be enlarged on bail in Case Crime No.0118 of 2022 at Police Station-Khuldabad, District-Prayagraj under Sections 143, 144, 145, 147, 148, 149, 153-A, 153-B, 295-A, 201, 511, 307, 332, 333, 353, 395, 435, 436, 427, 504, 505(2), 506, 120-B IPC, Section 4/5 of the Explosive Substance Act and Section 7 of Criminal Law Amendment Act, Section 83 of the Juvenile Justice Act, Section 3/4 of the Public Property Damages Act and Section 3 of the Explosive Substance Act. The applicant is in jail since

10.06.2022.

The bail application of the applicant was rejected by the learned trial court on

The following arguments made by Shri S.F.A. Naqvi, learned Senior Counsel assisted by Shri Syed Ahmed Faizan, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Manish Goyal, learned Additional Advocate General assisted by Shri A.K.Sand, learned Additional Government Advocate-I and Shri Abhishek Srivastava, learned brief holder for the State from the record, entitle the applicant for grant of bail:

(1). The applicant is a law abiding citizen who holds the unity of the country and amity between various communities very close to his heart. The applicant has neither posted nor shall post any messages which disrupt social harmony in the society.

(2). The applicant has been scapegoated as he has opposed to certain powerful political interests.

(3). The applicant did not instigate any violence.

(4). A number of people had gathered after the Friday prayers for which the applicant cannot be held responsible. Neither is the applicant culpable for

irresponsible acts of violence committed by some persons.

(5). There is no credible evidence to establish that the applicant instigated the mob or indulged in acts of violence.

(6). Facebook post, which is relied upon by the prosecution underscores the belief of the applicant that Allahabad is a city of peace. The applicant merely urged some biased media anchors not to disturb the peace of the city. The other opinions on the facebook post merely reflect his view points which are at variance from certain political quarters.

(7). The applicant cannot be called a media influencer and does not have wide following who would congregate at his call.

(8). The witnesses being relied upon by the State authorities are tutored witnesses.

(9). The materials collected from the site where alleged explosives occurred are not incriminating.

(10). No forensic science laboratory report which depicts use of explosives has been produced by the prosecution.

(11). The applicant is not liable for the violent acts of

irresponsible persons / criminal elements.

(12). The applicant has already been enlarged on bail by this Court on 28.01.2023 in Criminal Misc. Bail Application No.53834 of 2022 pertaining to the same incident.

(13). The persons named by the alleged independent witnesses have also been enlarged on bail. The applicant seeks parity in relief granted to the co-accused, namely, Mohd. Rizwan Sayeed, Shahnawaz, Sahab Urf Mohd. Ahmad, Imran Ahmad, Mohd. Shahid, Iftikhar Alam, Zaman, Ali Rizvi, Taufeeq, Mohd. Saddam Husain and Farhan Ahmad who have been granted bail by this Court on 19.09.2022, 27.09.2022, 28.09.2022, 22.09.2022, 21.09.2022, 26.09.2022, 10.10.2022, 29.09.2022, 14.11.2022, 21.10.2022 in Criminal Misc. Bail Application No.29076 of 2022, Criminal Misc. Bail Application No. 37662 of 2022, Criminal Misc. Bail Application No. 39729 of 2022, Criminal Misc. Bail Application No.39687 of 2022, Criminal Misc. Bail Application No.42194 of 2022, Criminal Misc. Bail Application No.43156 of 2022, Criminal Misc. Bail Application No.43521 of 2022, Criminal Misc. Bail Application No.43990 of 2022, Criminal Misc. Bail Application

No.44487 of 2022, Criminal Misc. Bail Application No.45819 of 2022 and Criminal Misc. Bail Application No.37590 of 2022 respectively.

(14). The applicant has explained the criminal history of the applicant. It is also contended that the applicant has been falsely implicated in the aforesaid cases only to burnish the credentials of the police investigators. The said criminal cases do not have any bearing on the instant case.

(15). The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

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 applicant-Javed Mohammad @ Pump @ Javed Ahmad be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

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

(iii) The applicant shall not post any messages which disrupt social harmony or national unity as already undertaken by him.

The observation made in this order shall not prejudice trial proceedings.

Order Date :- 16.2.2023

Ashish Tripathi