

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 52464 of 2023

**Applicant :-** Gosh Mohammad

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

**Counsel for Applicant :-** Anil Kumar Dubey, Chandra Bhan Dubey, Javed Raza

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

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

1. The instant bail application is listed before this Bench after the order dated 13.08.2024 passed by Hon'ble The Chief Justice.
2. Heard Sri Javed Raza, learned counsel for the applicant and Sri Brijesh Pratap Singh, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 522 of 2023, under Sections 505(2) IPC and 67 I.T. Act, Police Station- Bhuta, District- Bareilly, during pendency of the trial in the court below.
4. Learned counsel for the applicant submitted that as per allegation, on his twitter handle, applicant supported the terrorist organization Hamas and shown his resentment against Government of India for supporting the Israel and on this allegation, as per prosecution, tension arose in the village Singhai, Murawan but entire allegation made against the applicant is totally false.
5. He further submitted that even all the alleged offences are triable by Magistrate-I Class with maximum punishment of three years.
6. He further submitted that applicant is not having any criminal history and he is in jail in the present matter since 20.10.2023 i.e. for last more than 10 months.
7. Per contra, learned AGA however, opposed the prayer for bail but could not dispute the fact that all the alleged offences are triable by Magistrate-I Class with maximum punishment of three years and applicant is in jail for last more than 10 months.

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

9. However, as per allegation, on the twitter handle of the applicant, he supported the terrorist organization Hamas and also opposed the Government of India but it reflects that all the alleged offences are triable by Magistrate-I Class with maximum punishment of three years and applicant is not having any criminal history and he is in jail in the present matter since 20.10.2023 i.e. for last more than 10 months, therefore, in my view applicant is entitled to be released on bail.

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

11. Let the applicant- **Gosh Mohammad** 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.

12. 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.

13. 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 :- 3.9.2024**

KK Patel