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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ BAIL APPLN. 966/2018

ZAFAR MASOOD ..... Petitioner

Through Mr. Sarim Naved, Adv.

Versus

STATE ..... Respondent

Through Mr. Amit Chadha, APP with Inspector Ravinder Tyagi, P.S. Special Cell

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

O R D E R

% **10.08.2018**

As per the prosecution, a specific information was received from Central Intelligence Agencies that members of banned terrorist outfit Al-Qaeda were active in India. Based on this information, co accused Mohd. Asif was apprehended and petitioner was arrested on 16th December, 2015 on his disclosure statement. During the investigation, it was found that petitioner was close to wanted accused, namely, Sanaul Haq @ Maulana Asim Umar @ Shanu, Usman @ Asad and Sayed Akhtar @ Qasim. It was further revealed that petitioner had visited Pakistan in the months of November and December, 1999 on the pretext of doing business utensils.

Petitioner met the wanted accused Sayed Akhtar @ Qasim and Sanaul Haq @ Maulana Asim Umar @ Shanu, who were associated with terrorist outfit Harkat-e-Mujahidin. On the direction of Usman @ Asad, in the month of March, 2001, petitioner had received two Pakistani militants, namely Sayed Mohd. @ Hamja and Maqsood Ahmed @ Ali in Delhi, inasmuch as arranged their stay in Jamia area of Delhi from where they were apprehended later on. Petitioner had also obtained a passport on fake identity. FIR No. 10/2016 under Sections 468/471/120-B IPC and Section 12(1)(b) of the Passport Act was registered at police station DCB Surat in Gujarat in this regard. Petitioner was in touch with various persons in Saudi Arab through his mobile phone. Petitioner paid ₹1,00,000/- in cash to co-accused Mohd. Asif for terrorist activities, out of which ₹35,000/- was paid after withdrawing from his wife's account maintained with HDFC Bank. Mohd. Asif used this amount to purchase four tickets, that is, for himself, and also for Mohd. Sharjeel Akhtar, nephew of petitioner and Mohd. Rehan enabled them to enter Pakistan illegally via Iran-Afghanistan.

During the course of hearing, learned counsel for petitioner contends that no incriminating admissible evidence is there against the petitioner except his disclosure statement, which is not admissible in evidence.

Petitioner never visited Pakistan nor had any link with any terrorist outfit. There is no incriminating evidence against him. It is contended that petitioner is in custody for last more than two years and trial is likely to take time therefore, petitioner may be released on bail.

Learned APP points out that petitioner had obtained four fake passports on forged documents, that is, two from Gujarat and two from U.P. It is submitted that documents relating to the said passports in the name of petitioner have been obtained from the concerned passport authorities. He further submits that documents regarding visit of petitioner to Pakistan have also been collected. He further submits that additional documents filed by the petitioner on record itself show that ₹35,000/- was withdrawn from the bank account of petitioner's wife. There are four transactions on the same date and this is pursuant to the disclosure statement of petitioner and is admissible in evidence.

Keeping in mind the facts and circumstances as stated aforesaid and also the nature and gravity of offence, I am not inclined to admit the petitioner on bail.

Bail application is dismissed.

A.K. PATHAK, J.

AUGUST 10, 2018/*r.bararia*