HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 1651 of 2020

Shahjad Khan ....Applicant

Versus

State of Uttarakhand ….Respondent

Present:-
Mr. Lalit Sharma, Advocate for the applicant.
Mr. Sachin Panwar, Brief Holder for the State.

Hon'ble Ravindra Maithani, J.(Oral)

Applicant Shahjad Khan, who is in judicial custody, in FIR No. 298 of 2020, under Section 295-A IPC, Police Station Banbhoolpura, District Nainital, has sought his release on bail.

2. Heard learned counsel for the parties through video conferencing.

3. According to the FIR, the applicant uploaded some objectionable posts on his social media pages, which may outrage religious feelings.

4. Learned counsel for the applicant would argue that this is an offence under Section 295-A IPC which is punishable with three years rigorous imprisonment and triable by the Magistrate and it is a case fit for bail.

5. In fact, in the FIR nothing is stated as to what was uploaded on the social media page by the applicant.

6. On behalf of the State, it is argued that the applicant has a criminal history of a case under Sections 323, 504 and 506 IPC.

7. The FIR does not disclose as to what was posted on the social media page by the applicant. In the bail rejection order also the averments as such are not there.

8. Having considered all the submissions, under the facts and circumstances of the case, this Court is of the view that the applicant deserves to be enlarged on bail.

9. The bail application is allowed.

10. Let the applicant, namely, Shahjad Khan, be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the Court concerned.

11. This bail order be forwarded to concerned Court as well as the concerned jail through e-mail also.

(Ravindra Maithani, J.)
09.09.2020

Pant