Order reserved on:-30.10.2025
Order delivered on:-03.11.2025

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Appeal No.549 of 2024

Abdul Moied

--Appellant

Versus

State Of Uttarakhand

--Respondent

With

Criminal Appeal No.550 of 2024

Abdul Moied

--Appellant

Versus

State Of Uttarakhand --Respondent

With

Criminal Appeal No.562 of 2024

Abdul Moied

--Appellant

Versus

State Of Uttarakhand --Respondent

Presence:-
Mr. Vikas Kumar Guglani and Mr. Sanpreet Singh Ajmani, Advocates for the appellant(s).
Mr. B.N. Molakhi, learned Deputy Advocate General for the State.

Coram :Hon'ble Manoj Kumar Tiwari, J.
Hon'ble Pankaj Purohit, J.

Hon'ble Pankaj Purohit, J. (Oral)

Since the appellant in all these appeals is one and the same and the offence alleged against him is also the same, hence these are taken up together and decided by this common judgment. However, for the sake of brevity, facts of CRLA No.549 of 2024 alone are being considered and discussed.

2. This criminal appeal is directed against the judgment and order dated 05.09.2024, passed by learned 1st Additional Sessions Judge, Haldwani, District Nainital in FIR No.22 of 2024, under Sections 147, 148, 149, 307, 332, 353, 395, 427, 435 & 120B IPC and Section 3/4 of the Prevention of Damage to Public Property Act, 1984 & Section 15/16 of the Unlawful Activities (Prevention) Act, 1967, whereby the bail application of the appellant has been rejected.

3. The brief facts of the case involved in the present criminal appeal are that FIR Nos.21, 22 & 23 of 2024, under Sections under Sections 147, 148, 149, 307, 332, 353, 395, 427, 435 & 120B IPC and Section 3/4 of the Prevention of Damage to Public Property Act, 1984 & Section 15/16 of the Unlawful Activities (Prevention) Act, 1967 and other Sections details are given in bottom of this judgment, were registered against unknown persons in Police Station Banbhoolpura, District Nainital on 08.02.2024. In the FIR, it has been alleged by the informant that while the team of administration and police went to demolish and remove the illegal construction at *Malik-ka-Bagicha* in Haldwani on 08.02.2024, several persons assembled there and committed violence, arsoning and rioting with the team of administration and police; hurled petrol bombs, fired from illegal weapons and snatched the weapons of the police. It has also been mentioned in the FIR that the rioters even attacked the then police SHO of Police Station Mukhani, Mukhani's vehicle and snatched the service revolver of the SHO which were not recovered till date. The appellant/applicant has been arrested on 28.02.2024 on the charge of the aforesaid offences.

3. It is admitted that the provisions of Section 15/16 of the Unlawful Activities (Prevention) Act, 1967

were invoked subsequently during investigation against the appellant/applicant and other persons who have been arrested during investigation. The name of the appellant/applicant came into light during investigation.

4. The bail application of the appellant/applicant has been rejected by the learned 1st Additional Sessions Judge, Haldwani, District Nainital as stated above by the impugned judgment and order. It is feeling aggrieved by the aforesaid judgment and order, the appellant/applicant is before this Court.

5. The objections were called from the State. Objections filed on behalf of the State are taken on record.

6. The State in its objections opposed the bail application by stating that the appellant/applicant was involved in the serious offence of rioting, arsoning and violence that too with the officers of the administration and police. It has also been stated that in the statement of witnesses recorded under Section 161 Cr.P.C., the involvement of appellant/applicant is proved; the illegal arms and petrol bombs were stored under a well planned conspiracy and public officers were attacked with the intention of killing them by using petrol bombs etc. by demonstrating criminal force. The State further stated that the criminal activities done by the appellant/applicant falls within the definition of terroristic attack with the purpose of creating terror among the people and the attack caused by the crowd of which the appellant/applicant was part of, as conspirator, caused irreparable damaged to the property of nation and it created fear in the mind of general public. Therefore, offence is made out against the appellant/applicant.

7. It is further submitted by the State that after completion of the investigation, the investigating officer

has filed a charge-sheet against the appellant/applicant before the court concerned.

8. Heard learned counsel for the parties and perused the record.

9. Learned counsel for the appellant/applicant submitted that appellant/applicant was not named in the FIR; (though named in FIR No.21 of 2024 only) he has falsely been implicated with the incident; he has no concern with the alleged violence rioting and arsoning. He further submitted that there is no concrete evidence with the prosecution to connect the appellant/applicant with the incident happened on 08.02.2024 at *Malik-Ka-Bagicha* in Halwani. Since no specific role has been assigned to appellant/applicant in commission of crime, therefore, he is entitled to be released on bail by this Court after setting aside the judgment and order impugned. It is the specific case of the appellant/applicant that on the date of incident, he was in Dehradun to meet his friend at Secretariat.

10. Per contra, learned Deputy Advocate General strongly opposed the appeal and grant of bail to the appellant/applicant. The role assigned to the appellant/applicant is that he was a member of group who hatched a conspiracy on 30.01.2023 late night and was present with main accused Abdul Malik on dead end of night on 30.01.2023 in the house of Abdul Malik. He further submitted that though he has not been named in the FIR (only in one FIR he was named) because the FIR was against unknown persons, but his name was figured during investigation.

11. We have perused the record of the case and the statements recorded under Section 161 Cr.P.C. In statement under Section 161 Cr.P.C, there is no mention of the name of appellant/applicant- who was shown to

have pelting stones. But, he was seen only in CCTV footage of 30.01.2023. Further, he has no criminal history.

12. Having considered the submissions of both the learned counsel for the parties and having gone through the record of the case, this Court is of the view that there is no direct evidence even of conspiracy against the appellant/applicant. The prosecution could not tell us as to who has named or identified the appellant/applicant. It is also in the mind of this Court since the appellant/applicant has already spent more than one year and eight months' in custody in connection with the aforesaid alleged FIR, he is entitled to be released on bail.

13. The net result of the aforesaid discussion is that appellant is entitled to be released on bail in connection with all these present matters. Accordingly, all the criminal appeals are allowed. The judgments and orders, passed by learned 1st Additional Sessions Judge, Haldwani, District Nainital impugned in the instant appeals are hereby set-aside. The appellant/ applicant-Abdul Moied is directed to be released immediately, if he is not wanted in any other criminal case, on bail on his executing personal bond in each case and furnishing two-two reliable sureties, in each matter, each of the like amount to the satisfaction of the Court concerned in connection with the following FIR Numbers:-

CRLA No.549 of 2024	FIR No.22 of 2024, under Sections 147, 148, 149, 307, 332, 353, 395, 427, 435 & 120B IPC and Section 3/4 of the Prevention of Damage to Public Property Act, 1984, Section 7 of Criminal Law Amendment Act & Section 15/16 of the Unlawful Activities (Prevention) Act, 1967, P.S. Banbhoolpura, District Nainital
CRLA No.550 of 2024	FIR No.23 of 2024, under Sections 147, 148, 149, 307, 332, 353, 427, 435, 436 & 120B IPC and Section 3/4 of the Prevention of Damage to Public Property Act, 1984 & Section 15/16 of the Unlawful Activities (Prevention) Act, 1967, P.S.

	Banbhoolpura, District Nainital
CRLA No.562 of 2024	FIR No.21 of 2024, under Sections 147, 148, 149, 307, 323, 332, 341, 342, 353, 395, 427, 436, 333, 412 & 120B IPC and Section 7 of Criminal Law Amendment Act, Section 3/4 of the Prevention of Damage to Public Property Act, 1984 & Section 15/16 of the Unlawful Activities (Prevention) Act, 1967, and Sections 3/25, 4/25 & 7/25 of the Arms Act, P.S. Banbhoolpura, District Nainital

14. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)
03.11.2025

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