IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.374 OF 2026

Mazhar Mansur Khan @ Mazhar Alim
Mansoor Ahmed Khan .....Appellant
Versus
The State of Maharashtra .....Respondent

Ms. Payoshi Roy, Advocate a/w. Ulkesh Gangurde, Palak Dubey and Sanskruti Hebalkar for the Appellant.

Ms. Gauri S. Rao, APP for the Respondent-State.

ASI Kalsekar, ATS, Mumbai is present in Court.

CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.

DATE : 08th OCTOBER, 2026

P.C. :

1. This is an Appeal challenging the order dated 12.2.2026 passed by the Special Judge for the cases under NIA & UAPA, City Civil and Sessions Court, Greater Mumbai on Exhibit-69 in Special Case No.206/2023. Vide the impugned order, the Appellant's bail application was rejected. The said order is challenged under Section 21(4) of the National Investigation Agency Act, 2008. The case arises out of C.R. No.19/2022 registered at ATS, Kalachowky Police Station, Mumbai. As of today, not only the charge-sheet is filed but even the charges are framed on 12.3.2026. There are allegations

against the Appellant of commission of the offences punishable under Section 13(1)(b) of the Unlawful Activities (Prevention) Act, 1967 (for short, 'UAPA') and Sections 120-B, 121-A, 153-A, 201 and 116 of IPC. The Appellant was arrested on 22.9.2022 and since then he is in custody.

2. At the outset, it may be noted that there are no charges of commission of the offences punishable under Chapters IV and VI of UAPA and, therefore, the hurdle under Section 43D(5) of UAPA does not operate against the Appellant. This is an undisputed fact.

3. The Appellant is in custody since 22.9.2022. The charges are framed on 12.3.2026. There are 255 witnesses cited in the charge-sheet, but, the prosecution intends to examine at least 90 witnesses. Therefore, obviously the trial is not going to start in the near future and it is definitely not going to conclude within a reasonable time. In this background, we have heard Ms. Payoshi Roy, the learned counsel for the Appellant and Ms. Gauri Rao, the learned APP for the Respondent-State.

4. The FIR was lodged on 21.9.2022 at ATS Police

Station, Kalachowky, Mumbai vide C.R. No.19/2022. Subsequently on the conclusion of the investigation, the charge-sheet was filed. The case against the Appellant is mentioned in the column No.16 of the charge-sheet. The Appellant is the original accused No.1.

5. The learned counsel for the Appellant made the following submissions :

i. She invited our attention to various statements in the charge-sheet where the Appellant's name was mentioned. She submitted that a bare perusal of those statements would indicate that the Appellant had not indulged in any objectionable activity which would attract any of the provisions or the offences alleged against him.

ii. There are allegations against the Appellant that he was a member and Treasurer of Popular Front of India [PFI]. The said organization was banned on 27.9.2022. The Appellant was arrested before that date i.e. on 22.9.2022. She, therefore, submitted that the activities attributed to him prior to 27.9.2022 in respect of the PFI would not attract any of the provisions or offences alleged against

him.

iii. She submitted that there is one major allegation against him that he had downloaded a document mentioned as “2047 India”. However, it was downloaded on 14.7.2022 but it was never opened after that. There are no allegations that the Appellant has ever forwarded that particular document to anyone else or had instigated anyone else on the basis of the said document. She relied on the FSL report in that behalf. She submitted that the FSL report shows that it was opened multiple times but that was after his arrest and during investigation. Therefore, it cannot be said that the Appellant had used that particular document in any manner.

iv. She relied on the order passed by the Hon’ble Supreme Court in the case of **Athar Parwez Vs. Union of India**[1]**.** She submitted that in that case also the accused before the Hon’ble Supreme Court had received the same document, but, the Hon’ble Supreme Court considered the other factors and, in particular, took into consideration the period that the accused had undergone in custody, as

1 Decided on 17.12.2024 in Cri.Appeal No.5387/2024 (Hon’ble Supreme Court)

well as the fact that the trial was not likely to be concluded within a reasonable time. The learned counsel submitted that the ratio of that order squarely applies to the present case.

v. She also relied on the order passed by a Division Bench of this Court at Aurangabad Bench in the case of **Sayyed Faisal Sayyad Khaleer and another Vs. The State of Maharashtra along with Shaikh Irfan Shaikh Salim Alias Irfan Milli[2].** In that case also, the accused were having the same document; and inspite of that the accused before the Court were granted bail.

6. The learned APP, on the other hand, submitted that the Appellant was the main accused. He was the Treasurer of the PFI. He was collecting money for the purposes of PFI which subsequently was banned. Therefore, his connection with the organization is clearly made out from the charge-sheet. She submitted that there is transcript of telephonic conversation between the Appellant and others where there are indications that he was collecting various amounts from different people without keeping record of the same. She also submitted that

2 Decided on 7.7.2025 in Cri.Appeal Nos.358/2025 & 357/2025 [Aurangabad Bench]

the above mentioned document was highly objectionable; and having received it, shows his connection with the larger conspiracy. She expressed apprehension that if released on bail, the Appellant is likely to abscond.

7. We have considered these submissions. As far as the allegations in the charge-sheet are concerned, the Appellant is shown as accused No.1. The investigating agency conducted house-search of the five accused, including the present Appellant. The main allegation against the Appellant is that the said objectionable document was found in his mobile phone. There is a description of the contents of that file. The description of the contents is definitely serious and objectionable. However, we find force in the submission of the learned counsel for the Appellant that the Appellant had received that document but had not used it for any other purposes. He had not forwarded it to anyone else. There are no witnesses who have stated that he had ever discussed this document with anyone else. The document was not opened by him after he received it on 14.7.2022. The FSL report which is at page Nos.93 and 94 of this Appeal supports the contention

of the Appellant in that behalf.

8. There were other video clips in his mobile phone. There was strong criticism about the manner in which the people from his religion were treated, according to him. He had started his own YouTube channel on which he used to post some strong speeches.

9. The learned counsel for the Appellant invited our attention to various statements from the charge-sheet. For security purposes, their names are not mentioned and we are also not referring to their identity. We are referring to their statements by the page numbers of this Appeal memo and annexures. Those statements are as follows :

i. **The statement of witness at page No.290.** Said witness speaks only about a function when the Appellant and others were present. Out of them, the co-accused Sadiq Qureshi is already granted bail.

ii. **The statement of witness at page No.294.** This witness also stated about a function that had taken place in September, 2021 in which the Appellant, the co-accused Sadiq Qureshi and others were present. Beyond that

there is nothing objectionable in that statement.

iii. **The statement of witness at page No.299.** This witness also referred to a function that had taken place in September, 2021. It was attended by the Appellant, Sadiq Qureshi and others. At that time the PFI had distributed some amount. In fact, the said witness has stated that the PFI was conducting programmes for de-addiction of liquor and in the Corona period they had distributed ration to the poor people. He further stated that they were collecting money in the holy month of Ramazan.

iv. **The statement of witness at page No.324.** This witness has stated about the WhatsApp group started by the Appellant. He has given details about the interaction of the members of that group. But, there are no specific serious allegations against the Appellant in this regard.

v. **The statement of witness at page No.330.** This witness has given some incriminating statement against the Appellant. According to him, the Appellant had told this witness that the object of the PFI was to fight against the Constitution. This definitely was objectionable. The

same witness has stated that the PFI was distributing food to the poor people during the lock-down.

vi. There are other witnesses at page Nos.338, 360, 378, 380 and 399. However, there is nothing seriously objectionable in their statements against the Appellant.

10. In any case the activities mentioned by these witnesses were in respect of the period before 27.9.2022. The PFI was banned from that date onwards.

11. As rightly submitted by the learned counsel for the Appellant, the Hon'ble Supreme Court in the case of **Athar Parwez** has referred to the fact that the accused before the Hon'ble Supreme Court also had received the same document. In fact paragraph-23 of the said order records that the accused before the Hon'ble Supreme Court had participated in the meeting along with 30 to 40 members of PFI. The said accused had organized the meeting, had used his own premises and there used to be discussions to fulfill the agenda of "India 2047" document.

Having observed this fact in paragraph-23, the Hon'ble Supreme Court in the concluding paragraph-32 noted

that the said accused had undergone custody for more than two years. There were 40 accused and 354 witnesses were cited by the prosecution. The trial was not likely to complete soon. Based on these observations, the said accused was granted bail.

12. In the present case, about 90 witnesses are to be examined. The Appellant is in custody for more than four years. Therefore, the observations of the Hon'ble Supreme Court are applicable to the Appellant's case.

13. The observations of the Division Bench of Aurangabad Bench also supports the submissions of the learned counsel for the Appellant. In that case also the same document was found in possession of those accused but finally the Division Bench granted them bail because the trial was not likely to get over within a reasonable time. Therefore, this judgment is also squarely applicable to the present accused.

14. In this view of the matter, we are inclined to allow this Appeal and grant bail to the Appellant. The apprehension expressed by the learned APP that the Appellant would abscond, can be taken care of by imposing suitable conditions.

15. Hence, the following order :

:: O R D E R ::

I. The Appeal is allowed.

II. The impugned order dated 12.2.2026 passed by the Special Judge for the cases under NIA & UAPA, City Civil and Sessions Court, Greater Mumbai on Exhibit-69 in Special Case No.206/2023, is set aside.

III. The Appellant is directed to be released on bail in connection with Special Case No.206/2023 pending before the Special Judge for the cases under NIA & UAPA, City Civil and Sessions Court, Greater Mumbai arising out of C.R. No.19/2022 registered with ATS Kalachowky, Mumbai, on his executing a PR bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount; subject to following conditions :

i. The Appellant shall deposit his passport, if any, with the investigating agency before the Appellant is released on bail.

ii. The Appellant shall provide his address where he

would be staying and also provide his contact details to the Investigating Officer, before being released.

iii. The Appellant shall report to the ATS, Kalachowky, Mumbai on every alternate Saturday between 4.00 p.m. to 5.00 p.m..

iv. The Appellant shall not tamper with the evidence and shall not influence any witness.

v. The Appellant shall remain present on all the dates before the trial Court and shall cooperate in expeditious disposal of the trial.

IV. The Appeal is disposed of accordingly.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)

Deshmane (PS)

PRADIPKUMAR PRAKASHRAO DESHMANE

Digitally signed by PRADIPKUMAR PRAKASHRAO DESHMANE
Date: 2026.10.13 11:05:35 +0530