

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 161 OF 2026**

Huzaif Abdul Aziz Shaikh

.....Appellant

Vs.

The State Of Maharashtra

.....Respondent

Ms. Payoshi Roy, through V.C. a/w Adv. Ulkesh Gangurde and Adv. Palak Dubey for the Appellant.

Mr. Vinod Chate APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 6th MAY, 2026.

PC:-

1) This is an Appeal under Section 21(4) of NIA Act by the accused No.1, impugning Order dated 29th November, 2025 passed below Exh-9 in Special (ATS) Case No.110 of 2024, by the learned Special Judge, Under MCOCA, UAPA Act, Nashik.

2) Heard Ms. Roy, learned counsel for the Appellant, Mr. Chate, learned APP for the State. Perused record.

3) It is the prosecution's case that, the Appellant was in contact with wanted accused Umm Osama @ Rabiya, accused No.2 on social media. That, the said accused No.2 was connected with ISIS, a proscribed organization. The accused amongst themselves arranged online meetings

with intention to give support to the active participation, to advance the agenda of ISIS and to motivate others to support ISIS ideology. Appellant transferred Rs.50,000/- (2100 Dirhams) in the account of accused No.2 with a view to monetarily support the activities of ISIS. The said fund of 2100 Dirhams was transferred through Hawala in the UAE Bank account of Abu Dhabi Islamic Bank of Moayad Baradie. It is the further prosecution case that, the said funds transferred by the Appellant in the account of accused No.2, for furthering and to advance the agenda of the ISIS and its activities with clear knowledge and intention which give sufficient reason to believe that the fund “might have been used” to commit terrorist activities of ISIS in Syria.

4) Appellant came to be arrested on 23rd January, 2024. The bail Application preferred by the Appellant under Section 439 of Cr.PC. below Exh-9 has been turned down by the learned Special Judge, Under MCOCA, UAPA Act, Nashik by its impugned Order dated 29th November, 2025.

5) Learned APP vehemently opposed the Appeal. He pointed out various documents on record to contend that, the Appellant was well aware that the co-accused i.e. Umm Osama @ Rabiya was furthering and supporting the agenda of ISIS in Syria. Various WhatsApp chats and other communications through electronic media are produced on record in support of the said contention. Learned APP submitted that, the Appellant is an active supporter of ISIS and for furthering its agenda was in contact

with co-accused ie. Umm Osama @ Rabiya. To show his support to ISIS the Appellant has transferred an amount of Rs.50,000/- in the bank account of accused No.2 Rabiya. Therefore, the link between the Appellant and the agent of ISIS namely Rabiya is established. He further submitted that, there is sufficient material available on record to indicate that, the accusation against the Appellant is *prima facie* true. He therefore prayed that, the said Appeal be dismissed.

6) At the outset, it is pertinent to note that, in the draft charge submitted by the prosecution before the trial Court, it is stated that the said amount/fund transferred by the Appellant in the account of Rabiya “might have been used” to commit terrorist activities of ISIS in Syria by the said accused.

7) A bare perusal of record indicates that, there is no material available on record to even remotely indicate that, Rabiya was and/or is having any connection or link with ISIS. It is just a presumption. It is the contention of the learned counsel for the Appellant that, the said amount of Rs.50,000/- was transferred in the account of Rabiya as she was in need of money to maintain her family. It is also contended that, Rabiya was acquainted with the family members of the Appellant and through them, she established contact with the Appellant and requested him to pay her the said amount owing to her need. It be noted here that, it is the prosecution

case itself that the said amount of Rs.50,000/- was transferred in Abu Dhabi Islamic Bank which is based in United Arab Emirates.

8) *Prima facie* it appears that, the said transaction is being viewed with a myopic eyesight. There is no *prima facie* evidence to connect the accused No.1 with the proscribed organization namely ISIS. It appears to us that, the alleged link between Appellant and ISIS through co- accused Rabiya would be perhaps a presumption at least, at this stage. Perusal of various WhatsApp chats placed on record by the prosecution *prima facie* indicates that, apart from the usual or general conversation or communication between the accused, there is nothing seriously objectionable to establish that the Appellant was in fact furthering the agenda of ISIS in Syria or India. The prosecution needs to establish the nexus and link of Appellant with the present crime or any specific overt act by leading evidence. According to us, there is no reason to believe that the accusations made against the Appellant are *prima facie* true.

9) In view of the above, the Appellant can be released on bail during the pendency of his trial.

10) Hence the following Order-

- (i) The impugned Order dated 29th November, 2025, passed below Exh-9 in Special (ATS) Case No.110 of 2024, is set aside;

- (ii) Appellant is directed to be released on bail in Special (ATS) Case No.110 of 2024, pending on the file of learned Special Judge, Under MCOCA, UAPA Act, Nashik, on his executing P.R. bond in the sum of Rs.1,00,000/- with one or more solvent local sureties to make up the amount;
- (iii) Before his release from jail, the Appellant shall inform the NIA, Mumbai so also to the trial Court, his prospective place of residence;
- (iv) Appellant shall surrender his passport, if any or in his possession, before the trial Court, before his release from jail;
- (v) Appellant shall also provide his mobile and/or landline number to the NIA, Mumbai and to the trial Court, on which he can be contacted;
- (vi) After his release from jail, the Appellant shall attend the office of NIA, Kalachowki, Mumbai on every first Monday of every calender month between 11.00 a.m. and 1.00 p.m. and shall mark his presence till the conclusion of trial;
- (vii) Appellant shall not leave the territorial jurisdiction of the trial Court without prior permission of the learned Special Judge, Under MCOCA, UAPA Act, Nashik, seized of Special

(ATS) Case No.110 of 2024;

(viii) Appellant shall attend all the dates before the trial Court

unless precluded on medical grounds;

(ix) Appellant shall not tamper with the prosecution witnesses
and/or evidence in any manner.

11) Appeal is allowed in the aforesaid terms.

12) All the parties to act on the basis of an authenticated copy of
this Order.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

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