



2026:AHC:125937

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 14507 of 2026

Tauqeer Raja Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Sitaram Yadav, Sr. Advocate
Counsel for Opposite Party(s) : G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Ashish Kumar Singh, Advocate, holding brief of Sri Sitaram Yadav, learned counsel for the applicant, Sri Paritosh Kumar Malviya along with Sri Nitesh Kumar Srivastava, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 1146 of 2025, under Sections 190, 191(2), 191(3), 124(2), 121, 125, 352, 351(3), 109, 299, 223, 61(2) B.N.S. & Section 7 C.L.A. Act, P.S. Baradari, District Bareilly.

3. As per the prosecution story, an FIR was lodged on 26.09.2025 at 23:55 hours with the allegation that present applicant who is President of Ittefaq Minnat Council (in short 'INC') had given a call in a public meeting held on 19.05.2025 persuading the members of Muslim Community to assemble in the field of Islamia Inter College for the protest against the atrocities being faced by them as well as lodging of false cases against the Muslim Community by the State Government. Administration, after the knowledge of such information on 25.09.2025, issued an order under Section 163 of Bhartiya Nagrik Suraksh Sanhita 2023(hereinafter referred to as BNSS 2023) in Bareilly prohibiting the assembly of five or more persons at a public

place. Despite the above, around 200-250 people started proceeding towards Islamia Inter College on the basis of call given by the applicant and when the police tried to stop them, they started making incitement "Sar Tan Se Zuda" as well as slogans against the Governments and also started pelting the stones and petrol bombs on the police party and fired upon them in which several police personnel received injuries. Public property was also destroyed in that incident. When the police started controlling the crowd by using force, they started running away from the spot. This incident disrupted the rhythm of life in Bareilly. Apart from this, public property was also destroyed. FIR has been lodged against 28 named accused persons, including 200-250 unknown persons.

4. The learned counsel for the applicant contends that the applicant was not named in the FIR and has been implicated despite there being no substantive material indicating that he persuaded or provoked the crowd to assemble at Islamia Inter College or to commit arson or destroy public property. It is further submitted that a viral video demonstrates the applicant did not incite any member of the Muslim Community. Additionally, it is argued that the applicant was unaware of any intention by the crowd to destroy public property. The applicant has explained his criminal history involving 24 cases and has been in jail since 14.10.2025. It is also submitted that the police have already filed a charge sheet, negating the need for further custodial interrogation. The counsel assures that, if released on bail, the applicant will not misuse the liberty granted and will cooperate fully with the trial proceedings.

5. On the other hand, learned A.G.A. for the State opposed the prayer for bail and submitted that the eye-witness Liyakat Ali from whose name a forged letter was issued by man of the applicant that the meeting of 26.09.2025 has been cancelled, clearly stated that he had participated in the meeting on 19.01.2025 at Beg Marriage Hall, Bareilly, wherein the applicant provoked the people that the government is committing atrocities

upon the Muslim Community, therefore, they should openly demonstrate and assemble at Islamia Inter College on 26.09.2026 and if required they should also involve in arsoning and destroying the public property, and if anyone stops them, then they should also attack upon them. He further submitted that the applicant not only persuaded the people but also asked them to assemble in the ground of Islamia Inter College on 26.09.2026, and also provoked persons of the Muslim Community to go to any extent, if anybody tries to stop them. It is further submitted that the eye-witness Liyakat Ali also stated that again, a meeting at the house of Nasir was held, wherein again the present applicant provoked the Muslim Community to assemble on 26.09.2026 at any cost, and if anyone stops them, they will attack the police party and destroy the public property. It is further submitted that after the violence of 26.09.2026, a thank you speech through a video clip was also circulated by the present applicant from the house of one Farhad, wherein he expressed his thanks to the members of the Muslim Community for destroying the public property and for successfully conducting the demonstration.

6. It is lastly submitted by learned A.G.A. that the present applicant is the main conspirator of Bareilly riot violence as well as the incident in question, therefore, if a crowd who was persuaded by the applicant to assemble at a particular place then if any offence is committed by the crowd during its proceeding to assemble, then in view of Section 190, 191(2), 61(2) BNS 2023, the applicant will also be liable for that act. It was also submitted that though the bail was granted to some of the co-accused, but their case was different from the present applicant as the present applicant is the main conspirator to provoke and persuade the members of Muslim Community to involve in arsoning, destroy public property, attack on police party, if anyone resists, while proceeding towards Islamia Inter College, therefore, the applicant is not entitled to be released on bail on the ground of parity as merit. He further submitted that the applicant is a habitual offender in similar types of offences by provoking the people of

the Muslim Community to indulge in illegal activities, even at the cost of law and order in the name of religion.

7. Considering the entire facts and circumstances of the case and upon perusal of records, it is not in dispute that the applicant persuaded several youth of the Muslim Community in a public meeting held on 19.09.2025 to assemble at Islamia Inter College for atrocities being faced by them, and also for submitting a memorandum to the District Magistrate. It is also not in dispute that the crowd of members of the Muslim community, while proceeding towards Islamia Inter College despite the invocation of Section 163 BNSS 2023, stopped by the police, then it became involved in arson and started pelting stones, throwing petrol bombs and destroying the public property, including causing injuries to several police personnel. The statement of the eyewitness and the video clip also show that the applicant was the main person who persuaded these people through provocative speech to assemble at Islamia Inter College and he was aware that a highly emotional and volatile crowd incited by him in the name of Prophet Mohammad may resort to arson rioting and attack police personnel and damage public property, if the same is stopped by the police. Therefore, for the offence committed by the crowd, the applicant will also be liable being main conspirator for the offences under various sections of Bhartiya Nagrik Sanhita 2023 (hereinafter referred to as BNS 2023). The applicant cannot be absolved of his liability for such illegal acts. The Court had occasion to consider a similar issue in ***Rihan v. State of U.P. in Criminal Bail Application No.43604 of 2025***, wherein the Court observed that destroying the public property, attacking the police party and raising slogans like "Sar Tan Se Juda" will amount to threatening the authority of law. Paragraph no.12 of Rihan's case(Supra) is being quoted as under-

"12. In view of above analysis, it is clear that the slogan raised by an individual person or by a crowd that "gustakh-e-nabi ki ek saja, sar tan se juda, sar tan se juda" is a challenge to the authority of law as well as sovereignty and integrity of India as the same incites the people for arm

rebellion, therefore, this act not only will be punishable under Section 152 BNS but also against the basic tenets of Islam."

8. The Apex Court, in a recent judgement in the case of *State of Punjab Vs. Balraj Singh @Billa in SLP (Criminal) No. 896 of 2026*, decided on 2.6.2026, observed that a person's personal liberty cannot prevail over the sovereignty and integrity of India.

9. Communal harmony forms the bedrock of a democratic nation such as India. Permitting individuals like the applicant to incite divisions on religious grounds for political gain threatens to unravel the social fabric of the country and poses a serious risk to national integrity.

10. In the present case, the applicant persuaded the crowd on two occasions, on 19.05.2025 at the house of Nasir and at Beg Marriage Hall, to assemble and proceed towards Islamia Inter College at any cost. Considering the applicant's extensive criminal history in similar cases, there is a significant risk that, if released, he may once again incite a particular community and disturb peace and harmony. Therefore, this Court is not inclined to grant bail to the applicant.

11. Accordingly, the bail application is **rejected**.

June 5, 2026

CS/-

(Arun Kumar Singh Deshwal,J.)