



2026:AHC:185783

Reserved

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 2637 of 2026

Maulana Tauqeer Raza Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd Imdad Siddiqui
Counsel for Opposite Party(s)	:	G.A.

Court No. - 50

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Sri Satish Trivedi, learned Senior Counsel assisted by Sri Seshadari Trivedi, learned counsel as also Sri Imran Ullah, learned Senior Counsel assisted by Sri Mohd. Imdad Siddiqui, learned counsels appearing for the applicant, Sri Anoop Trivedi, learned Senior Counsel/Additional Advocate General assisted by Sri Nitesh Kumar Srivastava, Sri Paritosh Malviya and Sri Sanjay Kumar Singh, learned AGA for the State Respondents and perused the records.

The instant bail application under Section 483 of the BNSS on behalf of the applicant Maulana Tauqeer Raza Khan has been filed seeking the enlargement on bail of the applicant in Case Crime No. 489 of 2025 under Sections 109(1), 109(2), 118(2), 121(1), 189(5) 191(2), 191(3), 195(1) 196(1), 196(2), 223, 310(2), 324(5), 324(6), 61(2), 62 of BNS, Section 7 of Criminal Law Amendment Act and Section 3/4 of Prevention of Damage of Public Property Act, Police Station Kotwali, District Bareilly during the pendency of the trial before the Court below. The bail application of the applicant before the Trial Court has been rejected by the Additional Sessions Judge, Court No. 5, Bareilly, vide order dated 10.11.2025 and the applicant is stated to be languishing in jail since 27.09.2025.

Learned Senior Counsels appearing for the applicant have vehemently submitted that the applicant is entirely innocent and has been falsely implicated in this very case crime number for ulterior

motives and political purposes and no case as alleged in the FIR is made out against the applicant. It is contended that the FIR giving rise to the case crime number in question was lodged nominating the applicant as President of IMC (Ittehad-e-Millat Council) besides 24 other named and about 1700 unknown persons with the allegation that the applicant, who is the President of the above-mentioned Association had given a Call in a Public Meeting held on 19.09.2025 persuading the Members of the Muslim Community to assemble in the ground of Islamia Inter College for the protest against the atrocities being faced by the Muslim Community as well as lodging of false cases against them by the State Government. The local Administration on getting knowledge of such assembly on 25.09.2025 issued an order under Section 163 of the BNSS, 2023 in Bareilly prohibiting the assembly of 5 or more persons at a public place. Despite the above around 200-250 persons marched towards Islamia Inter College in response to the Call of the applicant and when the Police tried to stop them they started making incitements "Gustakh-e-Nabi Ki Ek Hi Saza, Sar Tan Se Juda, Sar Tan Se Juda" as well as started raising slogans against the Government, started pelting stones and petrol bombs on the Police Party and also started firing upon the Police Party resulting in injuries being suffered by several Police Personnel. Public property was also destroyed in the incident. When the Police started to control the crowd by using force, the crowd started running away from the spot. The whole incident took the shape of a riot against the State disrupting the normal peace and tranquility in the City of Bareilly. The incident left large quantity of stones, bricks etc. strewn all over the streets, broken police barricades. Recoveries of 2 fired 12 bore cartridge, 1 live cartridge 315 bore, Country Made Pistol 12 bore, illegal sharp knives, sticks and rods, glass bottles broken shoes and slippers were made from the spot.

Learned counsels for the applicant while pressing the bail plea of the applicant submit that the applicant is the founder and principal leader of Illehad-e-Millat Council (IMC) which is a social organization established with the object of representing social educational and political concerns of minorities. The IMC has functioned as a structured political platform, contesting elections. It is submitted that

on account of his long association with IMC the applicant has acquired the status of an influential public figure and on account of his political influence the applicant has been a soft target. Learned counsels for the applicant argue that the incident that took place on 26.09.2025 cannot be denied but the applicant was not involved in its mobilization or participation. It is argued that on 25.09.2025 the IMC Spokespersons; Liaqat Khan, Nadeem Khan and Nafeez Khan called for a gathering at the Islamia Inter College grounds on 26th September, 2025 during the Zuma Namaz and to submit a Memorandum to the President. Due to the Administration's refusal to grant permission, a withdrawal letter was issued claiming that the previous letter was fraudulent. The applicant made his video and circulated it on Social Media, calling the IMC's Letter of 25.09.2025 fraudulent and again calling on the public to gather at Naumahal. It is submitted that the Police and the Administration tried to dissuade them from the Call but the frenzied crowd gathered in response and the untoward incident occurred.

It is further argued that the applicant has not organized any gathering with the object of inciting anyone and there is no direct allegation of causing violence or damage against the applicant. The applicant is not the mastermind of the incident as is being made out from the FIR allegations. The implication of the applicant is on account of political animosity and extraneous considerations rather than any factual involvement. The applicant has not delivered any speech made any statement or issued any appeal that can be construed as inciting violence disorder or breach of public peace. The non-presence of the applicant on the date and time of the incident is established from the fact that the applicant was placed under house arrest around 10:00 Hrs. on 26.09.2025.

Lastly, learned counsels for the applicant submits that the applicant has criminal antecedents of 12 cases which have been fully explained in Para 74 of the bail application. The applicant is stated to have been bailed out in 9 of the said cases except Case Crime No. 1146 of 2025, Case Crime No. 492 of 2025 and present case being Case Crime No. 489 of 2025. Ten other cases have been explained in Para 76 of the bail application. The applicant is not a light risk and undertakes to cooperate in the trial and shall not misuse the liberty of

bail, if released on bail. Accordingly, bail has been prayed for.

The bail plea of the applicant has been vehemently opposed by the State. Sri Anoop Trivedi, learned Senior Counsel/Additional Advocate General contends that the applicant is the King-pin and Mastermind of Bareilly riots that took place on 26.09.2025. A meeting was organized on 19.09.2025 in village Faridpur Chaudhary for raising slogan against the State "Gustakh E Nabi Ki Ek Saja Sar Tan Se Juda, Sar Tan Se Juda, and it was appealed in the said meeting to the Muslim Community requiring their appearance at Islamia Inter College Ground after offering Namaz. After the incident dated 26.09.2025 the applicant applauded thanks to his community members through video from the house of co-accused Farhat Ali which fact has been recorded in CD No. 76 dated 19.01.2026. The applicant is a named accused in the present case and Case Crime No. 492 of 2025 while in Case Crime No. 1146 of 2025, the name of the applicant has surfaced during the course of investigations. The Investigating Officer after collecting credible evidence against the applicant has submitted charge sheet in the present Case Crime Number on 21.12.2025 and other two cases also. The applicant was not under house arrest on the date of the incident rather was arrested from the house of his close associate, Farhat S/o Mohd. Ali Khan, R/o Laik Enclave, Phase-2 on 27.09.2025 which is nearly 8 KM away from the house of the applicant. It is from this location that the video was broadcasted by the applicant. The applicant has criminal antecedents of 24 cases. It is argued that though the applicant was not present at the place of occurrence but nevertheless he was instrumental in inciting the people of the Muslim Community by his address to assemble at a particular place on 19.09.2026 and on 26.09.2025. It is argued that in the incident the mob snatched the sticks from the Police Personnel and took off their clothes and pulled off their badges, fired at the Police Force with illegal firearms with intent to cause death, assaulted the Police Personnel with sharp edged weapons, broken bottles, petrol bombs, indulged in intense stone pelting and brick batting and destroyed public property, the anti riot gun of the gunner of the SP (City) and the handheld wireless set of Inspector Amit Kumar Pandey, Station House Officer, Kotwali Bareilly and Cheetah Mobile were snatched and taken away. On

account of the incident panic spread amongst the public and the public harmony was seriously compromised. It is also submitted that raising slogans such as "Gushtakh-e- Nabi Ke Ek Hi Saja, Sar Tan Se Juda, Sar Tan Se Juda" is a challenge to the authority of law as well as to the sovereignty and integrity of India and is nothing but inciting people for armed rebellion which should not be permitted. It is accordingly prayed that the bail plea of the applicant warrants outright rejection.

I have heard the respective counsels for the parties and have perused the records. Perusal of the record reveals that the applicant was not present on the place of the incident and was confined at the house of the co-accused Farhat Ali. The records further reveal that the applicant had admittedly to satisfy his religious and his private political interests, taking the opportunity of the Friday Namaz required the masses of the Muslim Community to assemble on the grounds of Islamia Inter College after the Namaz to protest against the Government action on the Muslim Community and submit a Memorandum to the President of India through the District Magistrate, Bareilly. The Call was made without seeking permission from the local administration for such a large assembly. The applicant has tried to justify that the call to assemble at the grounds of Islamia Inter College had been cancelled in the wake of the permission having been denied and imposition of Section 163 of the BNSS but the fact remains that the masses of the Muslim Community did undertake the march to the Islamia Grounds and when the same was prevented by the Police Personnel who were merely performing their duties to maintain the law and order were man-handled by the crowd which indulged in rioting, destruction of public property resulting in injuries to Police Personnel which acts cannot be approved of. The conduct of the applicant after of the incident by giving a speech thanking the masses for responding to the Call in large numbers and applauding their acts cannot also be approved of. The Court also finds force in the submission of Sri Anoop Trivedi, learned Senior Counsel/Additional Advocate General for the State to the effect that the slogan "Gushtakh-e- Nabi Ke Ek Hi Saja, Sar Tan Se Juda, Sar Tan Se Juda" is nothing but a challenge to the authority of law as also to the sovereignty and integrity of India and incites the people for an

arm rebellion which is punishable under the law. The said slogan cannot be equated to other slogans like "Nara-e-Takbir, Allahu-Akbar" "Jo Bole So Nihal Sat Sri Akal", or for that matter "Jai Shri Ram" or "Har Har Mahadev", which are slogans expressing respect to the concerned God or Guru. The Court further finds that though the charge sheet against the applicant has been filed on 21.12.2025 the charges against the applicant is yet to be filed.

Considering all the above, the Court is not inclined to release the applicant on bail at this stage. Consequently, the bail application is **rejected**.

September 7, 2026
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(Ashutosh Srivastava,J.)