

GAHC010144972021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2322/2021

MAULANA FAZLUL KARIM QASIMI
S/O MD. FARID ALI
R/O VILL- GHILAKURI
P.S. SIPAJHAR
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D DAS SR. ADV

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 06-10-2021

Heard Mr. D. Das, learned senior counsel assisted by Mr. K. Mohammed, learned counsel appearing for the applicant. Also heard Mr. R. R. Kaushik, learned Addl. Public Prosecutor, Assam, appearing for the State.

The applicant herein was arrested on 20.08.2021 in connection with Mangaldai P.S. Case No.410/2021 registered under Sections 120(B)/ 153A(1)/153B(1)(a) and (C)/298/505(1)(b)/505(1)(C)/505(2) of the IPC read with Section 39 of the Unlawful Activities (Prevention) Act, 1967 and since then he is in custody.

Perused the Case Diary produced by the learned Addl. P.P.

It appears that the applicant had put up a Facebook post wherein he has expressed a view that the "Taliban" in Afganistan are not terrorist. Based on such Facebook post an F.I.R. was registered and thereafter, the applicant was arrested.

Mr. Das submits that this Court has already granted bail to another applicant vide order dated 23.09.2021 passed in Bail Application No.428/2021 wherein a similar proceeding was registered and the applicant was arrested for expressing such opinion.

From a perusal of the Case Diary I find that there is nothing incriminating against the applicant save and except the fact that there is a Facebook post emanating from his personal account. Even if it is accepted that the applicant is the author of the Facebook post, even then, in the absence of other incriminating materials, it is doubtful as to whether, the contents thereof alone would constitute a cognizable offence. In view of the above, I am of the view that further custodial detention of the applicant would be uncalled for in this case.

It is, therefore, directed that the applicant, viz., Maulana Fazlul Karim Qasimi, be forthwith released on bail on furnishing a bond of Rs.20,000/- and one local surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Mangaldai.

Bail Application stands disposed of.

JUDGE

Comparing Assistant