

**Court No. - 28**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 4656 of 2021

**Applicant :-** Mohd. Saleem Khan

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Anil Kumar Tiwari, Dinesh Kumar Verma

**Counsel for Opposite Party :-** G.A.

**Hon'ble Krishan Pahal, J.**

Heard Sri Dinesh Kumar Verma, learned counsel for the applicant and Sri Nirmal Kumar Pandey, learned AGA for the State as well as perused the material available on record.

By means of the present application, the applicant- Mohd. Saleem Khan, seeks bail in Case Crime No.0092 of 2021, under Sections 419, 420, 467, 468, 469, 471 IPC, Police Station- Raunahi, District- Faizabad/Ayodhya, during the pendency of trial.

As per the prosecution story, the applicant is said to have been arrested on 28.2.2021 and from his possession, three fake aadhaar cards in his name but having different date of births i.e. 20.9.1976, 1.1.1981 & 9.8.1989, Passport of Nepal and other documents have been recovered. The applicant is found to have been taking up whatsapp chat with Pakistan nationals by using 11 mobile numbers.

Sri Dinesh Kumar Verma, learned counsel for the applicant has stated that he has been falsely implicated in the present case. He has not committed any offence by using the alleged documents. He has no criminal history. Learned counsel has further stated that the applicant had gone to Egypt to study where he had made some friends who are the Pakistan nationals and he used to chat with them. Nothing incriminating has been found in those chats.

On the other hand, Sri Nirmal Kumar Pandey, learned AGA for the State has vehemently opposed the prayer for bail on the ground that the applicant is the citizen of Nepal. He has further stated that if applicant had no malafide intention then why he was keeping three forged documents at a time. The applicant had prepared fake ID in the name of Mohd. Salim Ajahari. He is stated to have created an email id with fake name i.e. mdsalimajahari66@gmail.com. He has further stated that on the basis of fake aadhar card, the applicant had got prepared the

alleged passport and on perusing his mobile, it was found that he used to talk to various persons of different nationalities. Learned AGA has further stated that as per the CDR, the location of the applicant was never static at a place rather used to roam about at various places across the country.

Learned counsel for the applicant has further stated that the applicant had come from Nepal due to maoist insurgency and out of fear, he came to India to the house of his relatives at Shravasti.

Learned AGA has further stated that the applicant keeps on roaming in various places and he informed the police that his original documents have been kept in his house in Nepal. There are 11 numbers pertaining to Pakistani nationals with whom he was in regular touch. The applicant had even operated the facebook, messenger, IMO, whatsapp etc., with different IDs.

Considering the rival submissions advanced by the learned counsel for the parties as well as perusing the material available on record, this Court finds that the aforesaid matter pertains to national security and the applicant is not an Indian national as admitted by the learned counsel for the applicant also, therefore, I am not inclined to release the applicant on bail.

Accordingly, the present bail application is *rejected*.

However, the court below is directed to make an endeavour to conclude the trial and decide the matter expeditiously, if there is no other legal impediment, within a period of one year from the date of production of a certified copy of this order.

It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

**Order Date :- 11.4.2022**

Siddhant