

A.F.R.

THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

Neutral Citation No. - 2025:AHC:124956

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25687
of 2025

Applicant :- Tahir Mewati

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Chandra Jaiswal,
Sachchida Nand Ojha, Vikas Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1. By means of this bail application, applicant Tahir Mewati, who is involved in Case Crime No. 139 of 2025, under Sections 152, 352, 197(1)(c), 353(1)(C) of BNS, 2023, police station Salempur, district Bulandshahar, seeks enlargement on bail during the pendency of trial.

2. Brief facts of the case, which are required to be stated are that complainant-Vishal Chaudhary, Sub Inspector, police station Salempur, District Bulandshahar got a First Information Report lodged on 14.05.2025 for the offence under Sections 152, 352, 197(1)(c), 353(1)(C) of BNS, 2023 against the applicant-Tahir Mewati stating inter alia that he came to know through social media post that a person is running a Facebook account/ ID in the name of Tahir Mewati, who is making objectionable videos of Hon'ble Prime Minister of India, Shri Narendra Modi viral on social media from his Facebook account. When he

checked the ID of Tahir Mewati, it was revealed that Tahir Mewati from his Facebook ID URL ID <https://www.facebook.com/profile.php?id=100084509229593> is making objectionable contents and Pakistan supported videos of Hon'ble Prime Minister of India, Shri Narendra Modi viral and posting from his Facebook ID. In follow-up action, it was found that the person running the above Facebook ID in the name of Tahir Mewati is Tahir, son of Ikramuddin, resident of Parigram Rasidpur, police station Salempur, District Bulandshahar. The said video in question could potentially disrupt the social harmony and spoil the atmosphere in the society.

3. Heard Mr. Vikas Srivastava, learned counsel for the applicant, Mr. Rabindra Kumar Singh, learned Additional Government Advocate assisted by Mr. Prashant Kumar Singh, learned Brief Holder representing the State of U.P.

4. It is contended by learned counsel for the applicant that a fake Facebook ID has been created by someone else in the name of applicant, which was being operated by that unknown person with a view to tarnish his good image in the society. The applicant neither posted anything on social media nor made any video viral against Shri Narendra Modi, Hon'ble Prime Minister of India. Hence, the applicant, who is languishing in jail since 14.05.2025 and having no criminal history to his credit is liable to be enlarged on bail. Lastly, it is submitted that in case, applicant is released on bail, he will not misuse the liberty of bail.

5. Per contra, learned Additional Government Advocate appearing for the State refuting the above submissions made on behalf of the applicant opposed the prayer for bail of the applicant by contending that :

5.1. The factual stand taken by the applicant before this Court and before the Sessions Judge are entirely different. In this regard, it is further pointed out that before the Court of Sessions judge, it was submitted on behalf of the applicant that he has not created or posted any objectionable contents or video with malicious intent. Only certain memes were uploaded on the Facebook account of the applicant. The applicant did not share any material, which could disturb public peace or tranquillity. Now before this Court, the applicant has come up with a different plea that he neither posted anything on social media nor made any video viral against Shri Narendra Modi, Hon'ble Prime Minister of India, which is against the evidence on record.

5.2. Much emphasis has been given by contending that the applicant posted objectionable and inflammatory videos on the social media platform-Facebook, which were clearly intended to glorify violent extremism and promote anti-national sentiments.

5.3. The materials, which have been posted on social media to be aimed at disturbing communal harmony and public order.

5.4. Such conduct of the accused-applicant also poses a threat to the sovereignty and unity of the country.

5.5. The other corroborative digital evidences, like, recovery of the mobile phone allegedly used in operating the account, IP address logs traced to the applicant's residence, account recovery email and phone number linked to the applicant and metadata and digital time stamps indicating login activity coinciding with the applicant's location are also on record.

5.6. Lastly, it is submitted that there exists sufficient material on record to indicate the seriousness of the allegations, including digital evidences which prima facie connect the applicant to the objectionable content shared by him. Hence, the bail application of the applicant is liable to be rejected, otherwise a wrong signal will go to the public at large, which may encourage others to indulge in similar unlawful activities.

6. Having heard learned counsel for the parties and examined the matter in its entirety, I find that the screenshots which were taken from the applicant's Facebook account shows objectionable visual captions, such as depictions of Hon'ble Prime Minister, Shri Narendra Modi touching the feet of Imran Khan, being tied with a rope and dragged by Imran Khan and captions like "Modi Maafi Maangta Hai" along with Urdu texts allegedly glorifying Pakistan. The said contents appears to be aimed at ridiculing the Indian leadership and promoting a narrative contrary to the interest of national sovereignty, unity and integrity. This Court is

also of the view that said material shared by the applicant through his Facebook account is provocative, objectionable and capable of inciting communal disharmony and disturbing public peace and order. The themes and language used in the post indicate inclination towards glorification of anti-national ideology, which cannot be ignored.

7. Here, it would also be apposite to mention the observations made by this Court in similar matter in the case of **Niyaz Ahmad Khan versus State of U.P. and another, 2022 SCC OnLine All 105**, which are as under:-

“9- Having examined the matter in its entirety, here it would be apposite to mention that this Court is of the view that it is beyond the shadow of doubt that social media is a global platform for exchange of thoughts, opinions and ideas. The internet and social media has become an important tool through which individuals can exercise their right to freedom of expression but the right to freedom of expression comes with its own set of special responsibilities and duties. It does not confer upon the citizens the right to speak without responsibility nor does it grant unfettered licence for every possible use of language. There is an immediate need to check the exploitation of social media platforms that has political and societal reverberations that go well beyond hacked systems and stolen identities. Use of Cyberspace by some people to vent out their anger and frustration by travestying the Prime Minister, Key-figures holding the highest office in the country or any other individual is abhorrent and violates the right to reputation of others. These kind of acts,

posting and sharing unhealthy materials with unparliamentary language and remarks, etc. on social media without any solid basis cause a deleterious effect on the society at large, ergo in order to protect the reputation and character of individuals, it should be completely stopped. Since such incidents are on rise in a civilized society day by day and are polluting the minds of people, therefore, now it is high time to evolve some more and full proof screening mechanism to regulate, check and control the unhealthy posts on social media. It would be fair enough to state that such persons who are deliberately involved in such acts directly or behind the curtain with oblique motive or to settle their score adopting different modus-operandi are hazardous to the civilized society and they are not entitled for any sympathy in justice delivery system. High Courts are sentinels of justice with extraordinary and inherent power to ensure that rights and reputation of people are duly protected. Considering the gravity and nature of offence as well as misuse of social media platforms, this Court cannot shut its eyes. The Government is also not expected to act as a silent spectator.

10- Accordingly, Government is directed to take appropriate remedial measures/steps in order to control and eradicate such proliferating and booming devastating menace, to stop the misuse of social media platforms and to maintain healthy atmosphere in the society, which is the most important and essential factor for a civilized society."

8. As a fall out and consequence of above discussions as well as considering the overall facts and circumstances of the case, keeping in view the

submissions advanced on behalf of parties, nature of the contents allegedly shared by the applicant, gravity of offence and their potential impact on societal harmony, role assigned to applicant and severity of punishment, I do not find any good ground to release the applicant on bail.

9. Accordingly, the bail application of applicant is **rejected**.

10. It is made clear that the observations contained in the instant order are confined to the issue of bail.

Order Date :- 28.7.2025

Shubham