

**Misc. Crl. 483/21**

03.09.2021

Seen the petition u/s 439 of the Cr.P.C filed by petitioner Hayaton Nessa with a prayer to grant bail to accused Moulana Yaseen Ahmed @ Fakir Chan who is in judicial custody in connection with Lakhipur P.S. Case No.479/2021 corresponding to G.R. Case No.1670/21 u/s 120(B)/121(A)/125/153(A) of the IPC.

The case diary is received and I have perused the same. I have also heard the learned counsel for the petitioner and also the learned Public Prosecutor for the State in the virtual court through video conferencing.

The prosecution case, in brief, is that on 17.08.2021, complainant S.I. Uttam Malakar of Jaleswar Police Outpost lodged an ejahar at Lakhipur Police Station stating that on 15.08.2021, at 10:27pm, accused Moulana Yasin Ahmed @ Fakir Chand uploaded a post in twitter stating “Alhamdulillah Sei Diner Sei Sikolbondi Loktii. Aaj Afganisthaner President Sara Biswer Musalmander Bijoy Aar Besi Dure Noy Insa Allah”. The post is aimed at dividing the Indian Society in communal line and an attempt to abet waging war against the Government of India by supporting Taliban, the armed extremist group of Afganisthan that is waging war against the Government of Afganisthan, an Asiatic ally of the Government of India. The post has been aimed at inciting the Muslims worldwide to support the Taliban and other such groups that are pursuing

armed struggle. The accused was apprehended and the mobile phone used for making the post had also been recovered.

The learned counsel for the petitioner submitted that the accused person is innocent and the police arrested him only on suspicion. It is further submitted that all the accused being a local person there is no chance of absconding and he is ready to obey each and every condition which may be imposed upon him in the event of his enlargement on bail.

I have gone through the case diary. It transpires that there are materials against the accused person in the case diary and in view of the materials in the case diary, I am not inclined to grant bail to the above named accused at this stage. Accordingly, the bail petition stands rejected.

Send back the case diary with a copy of this order. A copy of this order shall also be furnished to the petitioner or her learned counsel forthwith by the Bench Asstt./Court Master under his signature and this order shall also be uploaded in the official website of the District Judiciary, Goalpara.

Inform all concerned accordingly.

This Misc. Case is thus disposed of.

Sessions Judge  
Goalpara