

2025 LiveLaw (SC) 833

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
VIKRAM NATH; J., K.V. VISWANATHAN; J.**

AUGUST 20, 2025

CRIMINAL APPEAL NO(S). 3644 OF 2025 (ARISING OUT OF SLP(CRL.) NO.11583 OF 2022)

UNION OF INDIA *versus* SALEEM KHAN

Unlawful Activities Prevention Act, 1967 (UAPA) - Section 18-20 – Bail – Held, no UAPA offence over attending meeting of organization which isn't banned - Upheld the order of granting bail to the accused by High Court citing it to be fully justified and reasonable citing that allegations against him were related to his connections with an organization named AL-Hind, which is not a banned organization under UAPA - High Court's order was passed in April 2022, and it would not be 'just and proper to interfere with the same at this stage' - Charges had not been framed and the trial had not yet commenced, despite the accused having been in custody for 5.5 years - The trial had not commenced despite a lapse of 5.5 years and that 'accused cannot be allowed to languish in jail without being given a fair and speedy trial' - Directed Trial Court to expedite and conclude the trial within 2 years, noting that there were more than 100 witnesses to be examined - Appeals dismissed. [Paras 8-13]

WITH CRIMINAL APPEAL NO. 3645 OF 2025 (Arising out of SLP(CRL.) NO.1353 OF 2025)

For Appellant(s): Mr. A Velan, AOR; Ms. Navpreet Kaur, Adv.; Mr. I Abdul Basith, Adv.; Mr. Prince Singh, Adv.; Mr. Nilay Rai, Adv.; Mr. Tushar Gupta, Adv.; Mr. Arvind Kumar Sharma, AOR

For Respondent(s): Mr. V. N. Raghupathy, AOR; Mr. R. Chandrachud, AOR.

J U D G M E N T

VIKRAM NATH, J.

1. Leave granted.
2. The High Court of Karnataka by the impugned judgment and order dated 21.04.2022 partly allowed the Criminal Appeal No.130 of 2021 by granting liberty of bail to the appellant no.1 therein i.e. Saleem Khan while at the same time, rejecting the prayer for bail of appellant no.2 therein, Mohd. Zaid. Union of India has preferred the appeal insofar as the impugned order extending liberty of bail to the accused-Saleem Khan, whereas the other accused Mohd. Zaid has preferred the appeal against rejection of his appeal seeking bail.
3. Relevant facts necessary for deciding the present appeals are as follows:
 - 3.1. On the information given by an Inspector of Police attached to the Economic Offence Wing, CCB, Bangalore, First Information Report ¹ being Crime No.10 of 2020 was registered by Suddanguntepalaya Police Station against 17 named accused on 10.01.2020, **under Section 120-B Indian Penal Code, 1860², 25(1B)(a) of Arms Act and Sections 18, 18-A, 18-B, 19, 20, 38 & 39 of Unlawful Activities Prevention Act, 1967³**. Saleem Khan the respondent in the appeal of the Union of India was arrayed as accused no.11 in the said FIR whereas, Mohd. Zaid, the appellant in the other appeal was arrayed as accused no.20. Hereinafter they would be referred as accused no.11 and accused no.20 respectively.

¹ In short "FIR"

² In short "IPC"

³ In short "UAPA"

3.2. Later on, the matter was referred to the National Investigating Agency ⁴ on 22.01.2020. NIA accordingly re-registered the case as RC No.4/2020/NIA/DLI. Accused no.11 was arrested on 20.01.2020 whereas, accused no.20 was secured under body warrant on 09.03.2020. The Investigating Officer filed the charge-sheet on 13.07.2020 against accused nos.11, 20 and others.

3.3. The charges alleged against the accused no.11 were for offences punishable under Sections 18/18A/20 and 39 of the Unlawful Activities Prevention Act, 1967 read with Section 120-B of the IPC. Whereas accused no.20, the chargesheet related to offences punishable under Section 18/20/39 of UAPA and Section 120-B of IPC.

4. Accused no.11 and accused no.20 applied for being released on bail under Sections 439 of the Cr.P.C. on various grounds which included that they have been falsely implicated; there was no evidence to link them for the offences alleged; they have been in custody for more than a year and there has been no progress in the trial; the charge-sheet having already been submitted, they were not required for any further interrogation; that they were the sole bread-earners of their families and that they belonged to respectable families having no criminal antecedents.

5. The State objected to the prayer for grant of bail. The Trial Court after considering the material on record rejected the application for grant of bail of both the accused nos.11 and 20 vide order dated 29.12.2020.

6. Aggrieved by the rejection of their prayer for bail by the Special Court, both the accused nos.11 and 20 preferred Criminal Appeal before the High Court of Karnataka registered as Criminal Appeal No.130 of 2021. The High Court by the impugned order granted bail to the accused no.11, Saleem Khan and by the same order rejected the prayer for bail of accused no.20, Mohd. Zaid.

7. We have heard learned Senior Counsels/counsels appearing for the parties and have perused the material on record.

8. At the outset, we may put our caution that since the present appeals relate to grant/refusal of prayer of bail, we are not inclined to delve deep into the facts and the reasonings. The impugned order passed by the Karnataka High Court has dealt with all the aspects in great detail. The reasons given for grant of bail to Saleem Khan, accused no.11 and the reasons given for refusal to grant bail to accused no.20, Mohd. Zaid in our considered opinion is fully justified and reasonable.

9. While dealing with the prayer for bail of accused no.11, Saleem Khan, the High Court noticed that the allegations found in the charge-sheet related to his connections with an organisation by the name of ALHind, which admittedly is not a banned organisation under the schedule to UAPA. Therefore, to say that he was attending meetings of the said organisation, AL-Hind and others would not amount to any prima facie offence. Apart from the above, we also noticed that the impugned order by the High Court was passed on 21.04.2022 almost 3-1/2 years ago and as such, it may not be just and proper to interfere with the same at this stage. Further, it is admitted position at the bar that the charges have not been framed so far and trial has not commenced even though the accused have been in custody for 5-1/2 years.

10. For the above reasons, we do not find any justification to interfere with the impugned order passed by the High Court granting bail to accused no.11, Saleem Khan.

⁴ In short "NIA"

11. Insofar as the accused no.20 is concerned, the High Court has found his involvement with banned terrorist organisations, his active role in operating dark web and assisting the members of the banned terrorist organisations. The reasons given by the High Court are based upon the material collected during investigation and as reflected in the charge-sheet. The High Court further noticed the involvement of accused no.20 in another case under UAPA. Although, we may record here that in the said case arising from State of Tamil Nadu, accused no.20 has been granted bail by the Madras High Court.

12. We, therefore, find that the High Court was justified in not granting bail to accused no.20, Mohd. Zaid.

13. However, the fact remains that the trial has not commenced despite lapse of 5-1/2 years. Accused cannot be allowed to languish in jail without being given a fair and speedy trial. It is therefore in the fitness of things that the Trial Court be directed to expedite the trial and conclude the same within a period of two years considering that there are more than 100 witnesses to be examined by the prosecution. The prosecution is also directed to ensure full cooperation in leading the evidence and getting the trial concluded within the time specified above. It also goes without saying that the accused will also extend full co-operation in the conduct of the trial in particular accused no.11, who has been released on bail. The Trial Court or the prosecuting agency would be at liberty to apply for cancellation of bail of accused no.11, in case it is found that he is trying to delay the trial.

14. Both the appeals are, accordingly, dismissed.

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