

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2590 OF 2025
(Arising out of SLP(CRL.) No.12883/2024)

NATIONAL INVESTIGATION AGENCY

APPELLANT

VERSUS

AMMAR ABDUL RAHIMAN

RESPONDENT

O R D E R

1. Leave granted.

2. The National Investigation Agency is in appeal against the judgment dated 06.05.2024 passed by a Division Bench of the High Court of Delhi, whereby the appeal filed by the respondent was allowed and he has been ordered to be released on bail in case FIR No.RC/05/2021/NIA/DLI under Sections 120B, 121 and 121A of the Indian Penal Code, 1860 (in short, the "IPC") and Sections 17, 18, 18B, 20, 38 and 40 of the Unlawful Activities (Prevention) Act, 1967 (in short, the "UAPA"). Subsequently, the respondent was charge-sheeted under Sections 120B of IPC and Sections 13, 38 and 39 read with Section 2(o) of the UAPA.

3. The respondent was arrested on 04.08.2021. The allegations were that upon search of the respondent's mobile phone, he was found to be a sympathizer of ISIS and some objectionable photographs and videos were allegedly found in his mobile. The High Court while considering the respondent's appeal against rejection of

bail by the Special Court, *prima facie*, found that the evidence collected from the respondent's mobile phone may not be sufficient to brand him as a member of ISIS and that there was nothing to indicate that he disseminated the incriminating evidence found in his mobile. The High Court further observed that the disclosure statements did not lead to discovery of any incriminating material etc.

4. It seems that the prosecution proposes to examine more than 160 witnesses out of whom 44 have been examined so far. The conclusion of trial will take some reasonable time. The respondent was released on bail after he had spent almost three years in judicial custody as an under-trial. There is no instance to infer the misuse of concession of bail by the respondent. He is regularly appearing before the Trial Court and has made no attempt to obstruct the ongoing trial.

5. That being so, we see no reason to cancel the bail granted to the respondent. However, the learned Additional Solicitor General appears to be justified in urging that the respondent should not be allowed to go abroad during pendency of the trial. In this regard it is directed that the respondent shall not travel abroad unless prior permission is granted by the High Court. To this extent, the order passed by the Trial Court stands modified. Similarly, it is clarified that the observations made by the High Court touching upon the merits of the allegations attributed to the respondent in

the FIR or the charge-sheet, are limited only for the purpose of grant of bail and the same shall have no bearing on the merits of the trial.

6. The appeal is, accordingly, disposed of in above terms.

.....J.
(SURYA KANT)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi
May 14, 2025

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).12883/2024

[Arising out of impugned final judgment and order dated 06-05-2024 in CRLA No.79/2024 passed by the High Court of Delhi at New Delhi]

NATIONAL INVESTIGATION AGENCY

Petitioner(s)

VERSUS

AMMAR ABDUL RAHIMAN

Respondent(s)

(IA No.202190/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 14-05-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Ms. Aishwarya Bhati, A.S.G.
Mr. Rajat Nair, Adv.
Mr. Abhinav Mishra, Adv.
Mr. Kartikeya Asthana, Adv.
Ms. Vanshaja Shukla, Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Riddhi Jad, Adv.
Ms. S. Mehra, Adv.
Mr. G.S. Makker, AOR

For Respondent(s) :Ms. Nitya Ramakrishnan, Sr. Adv.
Mr. Archit Krishna, Adv.
Ms. Stuti Rai, Adv.
Mr. Himanshu Kunjam, Adv.
Mr. N. Sai Vinod, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)

ASTT. REGISTRAR-cum-PS

(signed order is placed on the file)

(PREETHI T.C.)

ASSISTANT REGISTRAR