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* **IN THE HIGH COURT OF DELHIAT NEW DELHI**

Reserved on: 20th August, 2026
Date of decision:25th November, 2026
Uploaded on: 25th November, 2026

\# **CNR No. DLHC010740522025**

\+ **CRL.A. 1337/2025**

MUNZIR ABUBAKAR KUNNATHPEEDIKAL .....Appellant

Through: Ms. Sowjhanya Shankaran, Advs.

versus

NATIONAL INVESTIGATING AGENCY .....Respondent

Through: Mr. Gautam Narayan, Sr. Adv. (SPP), Ms. Asmita Singh, Adv. with Mr. Manoj Yadav & Mr. Bhupendra Giri, NIA.

AND

\# **CNR No. DLHC010743212025**

\+ **CRL.A. 1342/2025&CRL.M.A.29407/2025**

MOHAMMAD ARSHAD WARSI .....Appellant

Through: Mr. Archit Krishna, Ms. Tamanna Pankaj and Mr. Ashutosh Shukla, Advs.

versus

NATIONAL INVESTIGATING AGENCY .....Respondent

Through: Mr. Gautam Narayan, Sr. Adv. (SPP), Ms. Asmita Singh, Adv. with Mr. Manoj Yadav & Mr. Bhupendra Giri, NIA.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MADHU JAIN

JUDGMENT

Prathiba M. Singh, J.

1. The present appeals have been filed by the Appellants challenging the impugned orders dated 14th August, 2025 *(hereinafter, 'the impugned orders')*

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passed by the ld. ASJ, Special Judge-NIA, Patiala House Court, New Delhi, in RC No. 29/2023/NIA/DLI, by which the Appellants' respective applications seeking regular bail were rejected by the ld. Trial Court *vide* two separate orders passed on the same date.

2. *Vide* the impugned orders, the ld. Trial Court has held that on the basis of material on record, the allegations against the Appellants appearing to be *prima facie* true, the Appellants are unable to cross the threshold of Section 43-D (5) of the Unlawful Activities (Prevention) Act, 1967 *(hereinafter 'the UAPA')* and are thus, not entitled to be released on bail.

BRIEF BACKGROUND

3. The brief background of these cases is that in 2022, FIR No.150/2022 was registered by the Rajasthan Police at PS Nimbaheda Sahar on 30th March, 2022, when three persons were intercepted for bringing explosives to Jaipur. The said case was then transferred to the NIA and was registered as RC-18/2022/NIA/DLI.

4. The said case i.e. RC-18/2022/NIA/DLI ***(ISIS Ratlam Module Case)*** was investigated and it was found that the accused were intending to spread the ideology of ISIS and carry out terrorist attacks in India. For the said purpose, they were undertaking training to make explosives devices in Ratlam, Madhya Pradesh.

5. The evidence in this respect was revealed on the device of one Aakif Ateeque Nachan who was a resident of Padgha, Maharashtra. Another accused person in the present case- Shahnawaz Alam was apprehended by the Pune Police and as per the case of NIA, he was given shelter by Mohammad Arshad Warsi- Appellant in ***CRL. A. 1342/2025***.

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Date:25.11.2026
18:08:37

6. During the course of the said investigation, suspicious literature, fire arms and forged documents were recovered which led to registration of FIR No.175/2023 by the Pune Police. The said investigation was transferred to ATS, Maharashtra and it was found that certain trial bomb blasts were conducted in Pune, Kolhapur and Satara. The investigation was then transferred to NIA and was registered as RC-05/2023/NIA/MUM (***ISIS Pune Module Case).***

7. One Shamil Nachan was arrested in RC-05/2023/NIA/MUM and searches were conducted around mid August, 2023, which then revealed a larger conspiracy in Padgha. Thereafter search and seizure was conducted in the house of one Saquib Abdul Hamid Nachan who was also the father of Shamil Nachan.

8. In September, 2023, Crime Case No. 243/2023 was registered by the Special Cell, Delhi Police, when certain information was received about the movement of members/sympathizers of Islamic State of Syria and Iraq *(hereinafter, 'ISIS')* in and around Delhi. It is the case of the NIA that during investigation, it was revealed that the accused persons were promoting the activities of ISIS on various social media platforms by professing themselves to be members of ISIS and were also planning to carry out terror attacks in Delhi and adjoining areas for which they had also acquired arms and ammunition.

9. Upon information which was received in respect of Accused No. 3-Shahnawaz Alam (A-3) who was alleged to be preparing for some terrorist activities in Delhi and adjoining areas and promoting ISIS ideology in Delhi, one of the Appellants- Mohammad Arshad Warsi (A-2) was apprehended from Moradabad, Uttar Pradesh on 1st October, 2023. He was then handed

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Date:25.11.2026
18:08:37

over to Special Cell, Delhi Police and as per the NIA, his disclosure statement was recorded.

10. It is further the case of NIA that the Appellant/A-2 had pointed out the resident of Shahnawaz Alam/A-3 who was staying at Jaitpur, Delhi, from where he was then arrested on 2nd October, 2023. The pointing out memo prepared by the concerned Police in this regard is extracted below:

000013

FIR No. 243/2023, Dated 18/09/2023, u/s-120B IPC, PS – Special Cell, Delhi.

Pointing out memo by Md. Arshad Warsi

In the presence of following witnesses during investigation of the case Mohammad Arshad Warsi S/o Waris Khan R/o Present address- H. No. – M – 18, 3rd floor, Batla House, Jamia Nagar, New Delhi and Permanent Address – H. No. 174, Ward no. 10 Ranki Mohalla, District – Garhwa, Jharkhand, took police party to Jaitpur, Delhi where he pointed out at a building i.e E – 90, Nambardar Apt., Jaitpur Part – II, New Delhi and disclosed that Shahnawaj Alam is hiding here at the 5th floor. On the instance of accused Arshad Warsi the said memo is prepared.

Pointing out memo prepared.

Witnesses: -

HC Sikander Khan
No. 440/SPC
Special Cell

11/10/23

SI Nehit Phogat
Special Cell
Lodhi Colony

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11. A substantial seizure of materials for making Improvised Explosive Devices (*hereinafter 'IEDs'*) was stated to have been made from the same address on 2nd October, 2023. The said seizure was sent to FSL, Rohini, which gave a report that several of the exhibits could be used in making IEDs. The extract of the FSL report dated 28th February, 2024 is set out below:

11. RESULT OF EXAMINATION

On Physical, Chemical and ED-XRF examination:-

(i) Exhibit 'E-1' was found to contain explosive chemical composition of Barium, Nitrate, Calcium, Aluminium, Silicon, Sulphur and Charcoal.
(ii) Exhibit 'E-2' was found to contain explosive chemical composition of Potassium, Nitrate, Chlorate, Sulphur, Aluminium, Silicon and Charcoal.
(iii) Exhibit 'E-3' was found to contain Sodium, Carbonate and Hydrogen Carbonate.
(iv) Exhibit 'E-4' was found to contain Sulphur.
(v) Exhibit 'E-5' was found to contain Potassium, Calcium and Sulphur.
(vi) Exhibit 'E-6' was found to contain Charcoal, Potassium, Calcium, Iron & Silicon.
(vii) Exhibit 'E-7' was found to be fireworks (Crackers) containing explosive chemical composition of Barium, Nitrate, Calcium, Aluminium, Silicon, Sulphur, Charcoal and Carbohydrate.
(viii) Exhibit 'E-8' was found to contain metallic balls.
(ix) Exhibit 'E-9' was found to contain explosive chemical composition of Potassium, Chlorate, Silicon, Chromium and Sulphur.
(x) Exhibit 'E-10' was found to contain explosive chemical composition of Potassium, Chlorate, Silicon, Iron, Chromium and Sulphur.
(xi) Exhibits 'E-11/1' and 'E-11/2' were found to be metallic objects having explosive chemical composition of Potassium, Chlorate, Nitrate, Sulphur, Aluminium, Iron, Silicon and Charcoal.
(xii) Exhibit 'E-12' was found to contain explosive chemical composition of Potassium, Chlorate, Nitrate, Calcium, Sulphur, Charcoal and Carbohydrate.
(xiii) Exhibit 'E-13' was found to contain Potassium, Iron, Silicon, Calcium and Sulphur.
(xiv) Exhibit 'E-14' was found to be batteries.
(xv) Exhibit 'E-15/1' was found to be a Clock.
(xvi) Exhibit 'E-15/2' was found to be Electric wires with adaptors.
(xvii) Exhibit 'E-17/1' was found to be a printed circuit board having electronic components.
(xviii) Exhibit 'E-17/2' was found to be a Remote control device.

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Signing Date:25.11.2026 18:08:37

Report No. SFSL(DLH)/100/EXP/69/23 PAGE...5...

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(xix) Exhibit 'E-18/1' was found to be Electric wires.
(xx) Exhibit 'E-18/2' was found to be LED lights.
(xxi) Exhibit 'E-19/1' was found to contain Acetone.
(xxii) Exhibit 'E-19/2' was found to contain Hydrogen Peroxide.
(xxiii) Exhibits 'E-20/1' to 'E-20/4' were found to contain Hydrochloric Acid.
(xxiv) Exhibits 'E-1', 'E-2', 'E-7', 'E-8', 'E-9', 'E-10', 'E-11/1', 'E-11/2', 'E-12', 'E-14', 'E-15/1', 'E-15/2', 'E-17/1', 'E-17/2', 'E-18/1' and 'E-21/3' can be used in making an Improvised Explosive Device (IED).
(xxv) Exhibits 'E-3', 'E-4', 'E-6', 'E-19/1', 'E-19/2' & 'E-20/1' to 'E-20/4' can be used for making explosive substances.
(xxvi) Explosive substances could not be detected in exhibits 'E-16', 'E-17/3', 'E-18/2', 'E-21/1', 'E-21/2' & 'E-21/4'.

12. The disclosure statements of various accused persons including the Appellant/A-2, Shahnawaz Alam/A-3 were recorded and the investigation in the said FIR i.e. Crime No. 243/2023 was then transferred to the NIA and was re-registered as ***RC-29/2023/NIA/DLI.*** The impugned orders have been passed in this case and the same stand challenged in the present appeals.

Factual Background of CRL. A. 1342/2025 titled Mohammad Arshad Warsi v. National Investigating Agency (Accused No. 2) -

13. Several protected witnesses are stated to have been examined by the NIA, amongst whom, one protected witness i.e., KW-7 also stated that the Appellant/A-2 had visited Padgha to meet A-13- Saquib Abdul Hamid Nachan, who had proclaimed himself as the head of ISIS in India and he, along with various other co-accused persons used to refer to Padgha as the *Liberated Zone* and indulged in promoting the cause of ISIS in India.

14. The main chargesheet in this matter was filed by the NIA on 21st March, 2024, wherein the Appellant/A-2 was charge-sheeted under Sections 120B, 201 of IPC and Sections 18, 19, 20, 38, & 39 of UAPA. The allegations

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Date:25.11.2026
18:08:37

against the Appellant/A-2 are contained in the main chargesheet and are summarized as under:

- Appellant/A-2 was allegedly using three mobile phones for communicating with co-accused persons. During investigation, it was also discovered that he destroyed one mobile phone which was later recovered but could not be interfaced;
- In one mobile phone recovered from him, it was revealed that he was conducting online searches in respect of preparation of explosive materials which shows that Appellant/A-2 and A-3 were together preparing explosives to fabricate IEDs;
- Various materials relating to spreading of ISIS ideology, material relating to violent *jihad, khilafat,* videos on ISIS, material to prepare explosives and fabrication of IEDs were recovered from the digital devices;
- Appellant/A-2 is alleged to be an active member, one of the main conspirators and recruiter of ISIS. He is alleged to be providing continuous support to ISIS to establish *khilafat* or *shariya* law in India;
- Appellant/A-2 is alleged to be propagating, abetting, inciting gullible youth to adopt means of violent *jihad* for supporting ISIS;
- It is alleged that A-1 and Appellant/A-2 participated in one marriage ceremony at Okhla, Delhi in 2018, wherein A-1 & Appellant/A-2 met with Muslim youth and propagated ideology of ISIS and appealed others present in the meeting to join hands with them to support and further expand the ideology of ISIS and to do the activities of ISIS in India;

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Signing
Date:25.11.2026
18:08:37

- Appellant/A-2, along with A-1 and A-19, though staying at Jamia Milia Islamia University in Delhi, used to also visit Aligarh Muslim University (AMU) to propagate the ideology of ISIS and was in continuous touch with A-3;
- Appellant/A-2, along with A-1, A-3, WA-1 were planning to visit Iraq and Syria to perform *Hijrat and* Appellant/A-2, and other accused persons also received PDF files from foreign based handlers containing methods of preparation of bombs/IEDs and were planning to carry out a terror attack in Delhi;
- Appellant/A-2, along with other accused persons had also conducted *Dars* (lectures) at AMU and instigated gullible youths for indulging in violent *jihad* and *hijrah;*
- A-1, Appellant/A-2 and A-19 used to encourage youth for giving them membership of ISIS by administering the oath of allegiance or *bayth*;
- Appellant/A-2 would also forcefully convert Hindu gullible youths into becoming spies of ISIS in order to take advantage of their earlier non-Muslim name and identity;
- Appellant/A-2 had enabled the Aadhaar Card of himself and his wife to be used by A-3 for delivery of his wife at B.J. Medical College, Pune in 2022;
- Appellant/A-2 and A-3, along with other co-accused were furthering the criminal activities of A-13 @ Abu Suleman, who was directly receiving directions from his ISIS handler based abroad known as Sultan Sikander. They had prepared a full hierarchy wherein A-13 was described as the 'Amir-e-Hind' (Khalifa of ISIS for India) and various

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Signing
Date:25.11.2026
18:08:37

others were given different designations. A-1 was known as Nayab-Amir-e-Hind;

- Appellant/A-2 had provided harbour and logistical support for A-3 after he was arrested by the Pune Police from where he had absconded;
- Appellant/A-2 and A-3 along with A-1 are alleged to have procured explosives, arms and ammunition for carrying out terrorist activities in Delhi;
- At the instance of A-2, one pistol, seven rounds of explosives materials for making bombs/IEDs were recovered from the rented house of A-3;
- It is alleged that A-1, Appellant/ A-2, A-3, WA-1, A-19, A-20 and WA-4 and their associates were deliberately using various encrypted messenger applications like telegram, signal, plus etc, to hide their communications.

Factual Background of CRL. A. 1337/2025 titled Munzir Abubakar Kunnathpeedikal v. National Investigating Agency (Accused No. 15)

15. As stated above, the main chargesheet in this matter was filed by the NIA on 21st March, 2024, wherein the allegations against A-1, A-2 & A-3 were set out in detail and the said accused persons were charge sheeted under various provisions.

16. The main chargesheet dated 21st March, 2024, does not contain any specific allegations against Appellant/A-15- Munzir Abubakar Kunnathpeedikal. However, the said chargesheet states that on 9th December, 2023, NIA had arrested 15 accused persons, whose names have been tabulated in the chargesheet as A-4 to A-18. Amongst the said 15 accused persons arrested, the name of Appellant/A-15 is also mentioned. The main

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Signing
Date:25.11.2026
18:08:37

chargesheet further states that the investigation related to A-4 to A-18 and the wanted accused persons is still continuing.

17. With respect to Appellant/A-15, one of the protected witnesses KW-7, in his statement dated 2nd December, 2023, stated that the Appellant/A-15 was a close associate of A-13- Saquib Abdul Hamid Nachan and an active member of ISIS in India.

18. Appellant/A-15 was then arrested on 9th December, 2023 and on the same day, A-13 was also arrested. Pursuant to the chargesheet dated 21st March, 2024, the first supplementary chargesheet was filed on 3rd June, 2024. In the first supplementary charge-sheet, Appellant/A-15 has been charge sheeted under Sections 120B & 201 of IPC and Sections 13, 18, 20, 38 & 39 of UAPA. The allegations made against Appellant/A-15 in the first supplementary charge-sheet are as under:

- That the Appellant/A-15 is engaged, along with other co-accused persons, in spreading the ideology of ISIS and for establishing *Shariat* law in India;
- That the Appellant/A-15 had taken the oath of allegiance i.e. *bayth* towards the Khalifa of ISIS and became an active member of ISIS;
- That the Appellant/A-15, along with other co-accused persons had, in order to further the activities of ISIS, raised and collected funds through various sources by extorting and threatening people;
- During Ramzan, 2022, in a meeting at the house of A-13, the Appellant/A-15 was present and he, along with other accused persons, attempted to influence a witness to join ISIS by showing videos, pictures and literature depicting atrocities upon Muslims;

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Signing
Date:25.11.2026
18:08:37

- Appellant/A-15 is alleged to be running his shop in Borivali, Padgha Village along with A-14 & A-18 and a meeting was allegedly held at the shop of Appellant/A-15 where he exhibited support to ISIS and spread its message to convince others to join the ISIS;
- It is alleged that the Appellant/A-15 had deleted all the ISIS related data from his mobile phone and had also told the witnesses that he had deleted the data from the computer of A-13;
- The Appellant /A-15 is stated to have been administered *bayth* by A-13 at his house in Padgha, Borivali in 2021.

SUBMISSIONS ON BEHALF OF THE PARTIES IN CRL. A. 1342/2025 titled Mohammad Arshad Warsi v. National Investigating Agency (Accused No. 2) -

Submissions on behalf of the Appellant/A-2:

19. At the outset, it is submitted on behalf of the Appellant/A-2 that as on April, 2026, he is 32 years old and during the time of his arrest in 2023, he was a PhD student at Jamia Milia Islamia, Delhi. It is his case that at the time of his arrest, he was supporting his family by giving tuitions in Chemistry, Physics, Maths along with doing his PhD.

20. It is submitted by ld. Counsel for the Appellant/A-2 that in the present case, NIA claims to be investigating the Delhi-Padgha ISIS module. Out of 21 accused persons – 18 belong to Padgha, 2 i.e. A1 and A3 have allegedly visited Padgha/have established contact with co-accused from Padgha. However, the Appellant/A-2 is the only accused person who is a stranger to Padgha, as well as to the entire conspiracy.

Signature Not Verified
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Signing
Date:25.11.2026
18:08:37

21. It is further stated that there is no material to link Appellant/A-2 with any of the co-accused persons apart from witness statements. There is no recovery of any incriminating material from Appellant/A-2's electronic devices, or from the home or person of the Appellant/A-2.

22. It is argued that there is no material to show any communication with any ISIS handler, or with any co-accused person for the purpose of conspiring or attempting to commit, or advocate, abet, advise or incite the commission of a terrorist act or any preparatory act for the same. In the absence of the same, Section 18 UAPA cannot be attracted. Further, there is no reliable material indicating active membership or support of ISIS under Sections, 38 & 39 of UAPA.

23. It is the case of the Appellant that the allegations against him are entirely based on vague, contradictory and unreliable witness statements and documents.

24. With respect to the allegation regarding Appellant/A-2's involvement in preparation of IEDs, it is submitted that the prosecution has made this allegation on the basis of the search history of Appellant/A-2 containing internet searches for *"solubility of groundnut oil in water"* and *"is potassium permanganate soluble in water"*. In this regard, it is submitted that this is a false and prejudicial conclusion as Appellant/A-2's entire search history of the alleged date would reveal that he had searched "is alum soluble in water", "knitting meaning" "ginning meaning", "venation" "sprouting" etc., which are all part of syllabus of science subjects which he was teaching to his students. It is further submitted that in any case, no recovery of groundnut oil or potassium permanganate has been made from any accused person, let alone Appellant/A-2. It is also submitted on behalf of the Appellant/A-2 that the

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Signing
Date:25.11.2026
18:08:37

NIA has not even sought to invoke provisions of the Explosives Act against him. Hence, the said allegations are completely baseless.

25. With respect to the allegation that the Appellant/A-2 had helped A-3 find a house in Delhi, it is submitted that the statement of landlord of House no. E-90, Jaitpur, Part-II Delhi i.e. Tarikat Ali shows that in September, 2023, one Altaaf Malik brought A-3 to the witness as a potential tenant. A-3 then shifted his belongings into the house on the next day and rent agreement was subsequently executed on 30th September, 2023. It is the case of the Appellant /A-2 that the witness does not state that A-3 ever shifted into the house.

26. It is further the case of Appellant/A-2 that admittedly, on the day when A-3 allegedly came to see the house, the Appellant/A-2 had left Delhi to visit Moradabad, went to Nainital on 30th September, 2023 (along with his family) and returned to Moradabad in the night of 30th September, 2023 along with his family. The fact of Appellant/A-2 being in Moradabad and Nainital on said dates was known to PS Special Cell, as teams were sent to Moradabad and Nainital on 30th September, 2023.

27. It is submitted that despite having access to Appellant/A-2's phone location at the time of his arrest, the investigating agencies have omitted placing the Appellant/A-2's phone location on 28-30th September 2023 on record. The same, if placed on record, would have been crucial to establish the Appellant/A-2's alleged presence at E-90 Jaitpur and/or any contact with A3, and an adverse inference must be drawn in the absence of the same.

28. Confession of A-3 recorded after arrest in the present case, relied upon by NIA in its reply to the present Appeal, does not mention that he had any contact with Appellant/A-2 in the given period, let alone made IEDs with him.

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Signing
Date:25.11.2026
18:08:37

The confessional statement records in great detail all the steps taken by A-3 from July 2022 to 2023 for preparation of IEDs, but the name of Appellant/A-2 is absent from the entire narrative.

29. The allegation that material for making IEDs was recovered from A-3's house at the instance of Appellant/A-2 is false, as the seizure memo of seized material does not mention Appellant/A-2's pointing out. Thus, it is the case of the Appellant/A-2 that even at its highest, the role attributed by A-3 to Appellant/A-2 is that he rented the room with his help – which is only borne out on the basis of his disclosure, which is inadmissible and cannot be relied upon even at the stage of bail.

30. With respect to the allegation of Appellant/A-2 pointing out to the room of A-3, it is submitted that no material has been placed on record to show the manner in which the Appellant/A-2 came to know A3's location, given that A-3 is alleged to have seen the house on 30th September, 23 when Appellant/A-2 was not even in Delhi, and there was no telephonic contact between the two in this period. In the absence of any material to indicate the basis of Appellant/A-2's knowledge of A-3's house, which he had not even moved into as per the landlord's statement, there is no material with sufficient probative value to establish the allegation that Appellant/A-2 pointed out A-3's location.

31. It is the case of Appellant/A-2 that even if the allegations of membership, promotion and recruitment, which are not corroborated by nay evidence, are accepted at face value, in the absence of any connection with the present conspiracy – these allegations are not relevant for the adjudication of the Appellant's bail in the present case.

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Date:25.11.2026
18:08:37

32. Ld. Counsel for the Appellant/A-2 has pointed out several discrepancies in the statements of witnesses relied upon by NIA to allege Appellant/A-2's involvement. It is also submitted that investigation has not led to any material corroborating the allegations made in witness statements. All witnesses are admitted accomplices, and their evidence is unworthy of any credit, unless specific material particulars qua the Appellant are corroborated.

33. Reliance has also been placed by ld. Counsel for Appellant/A-2 on the decision in ***A Devendran v State of Tamil Nadu (1997) 11 SCC 720***, ***Bhiva Doulu Patil v. State of Maharashtra, (1963) 3 SCR 830*** & ***Shankar v. State of T.N., (1994) 4 SCC 478*** to state that clinching features of involvement of other accused disclosed by an approver must be tested qua each accused from independent credible evidence and only on being satisfied, the evidence of an approver can be accepted. Thus, it is his case that the evidence of an approver must be corroborated in material particulars qua the involvement and participation of each accused.

34. With respect to the allegations pertaining to harbouring, and use of Appellant/A-2's aadhaar card, it is submitted that there is no document to show a single instance of contact between the Appellant/A-2 and A3 – or that Appellant/A-2 was aware of such use of his Aadhar Card, or that he was aware of A-3's involvement in any criminal offences. It is the Appellant/A-2's case that the offence of harbouring cannot be proven in the absence of these ingredients. Reliance is placed upon the decision in ***Kalpnath Rai v. State through CBI (1997) 8 SCC 732.***

35. It is submitted that the Appellant/A-2 was not provided with grounds of arrest, nor were the same explained to him, rendering his arrest and continued detention unlawful. The trial in the present case is yet to commence,

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Signing
Date:25.11.2026
18:08:37

with the most recent chargesheet being filed in January, 2026. Assuming that charge is framed against the Appellant/A-2, examination of more than 500 witnesses for 21 accused persons is indicative of a strong likelihood of prolonged incarceration running afoul of Appellant/A-2's rights under Article 21 of the Constitution of India.

36. It is submitted that the Appellant/A-2, even prior to filing of chargesheet, has placed on record an application dated 04th December, 2023 seeking retraction of statements recorded by the investigating agency during police custody and judicial custody. Appellant/A-2 had specifically brought to the notice of the Ld. Special Court that he was made to sign on blank papers while in police custody under the threat of physical torture as well as fear of reprisal against his family. This application was taken on record by the Ld. Special Court vide order dated 20th December, 2023.

37. Decision in ***Manoj Kumar Soni v. State of Madhya Pradesh (2024) 17 SCC 401*** has been relied upon to state that pointing out memos alone are not sufficient proof of a fact and are at best weak evidence that may be used for corroboration. They are by themselves insufficient for conviction. Hence, even if the Appellant/A-2's disclosure and pointing out memos are taken at the highest, they would only reveal knowledge of the residence of A-3 and preparation of IED, not of participation, and the same would be insufficient for conviction in the absence of any other evidence.

Submissions on behalf of the NIA

38. On behalf of the NIA, it is submitted at the outset that the impugned order passed by the ld. Trial Court has been passed pursuant to coming to the conclusion that the material against the Appellant/A-2 on record was

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Signing
Date:25.11.2026
18:08:37

sufficient to demonstrate that the allegations in the chargesheet were *prima facie* true.

39. It is the case of NIA that the present case ***(RC-29/2023)*** was registered by them after disclosure of a conspiracy on a pan-India basis to propagate the agenda of ISIS and to recruit vulnerable youth for furthering the agenda. Investigation by the NIA has revealed that the Appellant/A-2 (Mohammad Arshad Warsi) was an integral part of this conspiracy, since he was propagating the agenda of ISIS such as destruction of democracy, establishment of *Shariat* law and recruiting vulnerable youth towards achieving these ends through means of violent *jihad*.

40. It is also alleged that Appellant/A-2 collected funds for furthering this agenda of ISIS. He is also alleged to be in contact with A-13 and other co-accused persons such as A-3, who engaged in training for making and using bombs and explosives, firing and conducting *recce* of public places in India on the directions of a handler of ISIS.

41. With respect to the specific role of Appellant/A-2, it is submitted that the statement of one of the protected witnesses (KW-4) states that Appellant was actively involved in propagating the ideology of ISIS in India and recruiting gullible youth to adopt means of violent jihad for supporting ISIS. NIA has also relied upon the statements of various other protected witnesses to allege that Appellant/A-2 went to Aligarh Muslim University and along with A1, A3, A19 and WA-1/A21 conducted several meetings with the local youth and students to propagate the radical ideology of ISIS and to encourage them to implement its agenda by becoming a part of the organization in India.

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Date:25.11.2026
18:08:37

42. The Appellant/A-2 is also alleged to have visited A-13, the self-proclaimed head of ISIS in India, which demonstrates that he was a part of the larger conspiracy to spread the agenda of ISIS in India

43. A-3, who was highly radicalized and was making explosives in furtherance of this conspiracy, was arrested on the basis of Appellant/A-2's statement. In addition to that, A-3 had used the Aadhaar cards of Appellant/A-2 and his wife, Zainab, at the time of delivery of A-3's wife, Basanti Patel @ Khadija, at BJ Medical College in Pune in 2022.

44. It is further the case of NIA that materials to make IEDs and explosives were recovered from the residence of A-3, who was arrested at the behest of the Appellant/A-2, and A-3 assaulted Delhi Police at the time of his arrest.

45. A-3, in his disclosure statement has stated that he was in touch with the Appellant/A-2 and the Appellant/A-2 helped him financially and he had rented the room in Delhi with the help of Appellant/A-2. The Appellant/A-2 as well, in his disclosure statement, has stated that he arranged shelter for WA-1 / A-21 and his family at Sambhal, UP.

46. With respect to the challenge made to the impugned order by the Appellant, it is submitted on behalf of NIA that the ld. Special Court has correctly applied the test for grant of bail for offences under Chapter IV and Chapter VI of the UAPA as incorporated under the proviso to Section 43D(5). Further reliance has been placed upon the decision in the judgments of ***NIA v Zahoor Ahmad Shah Watali, (2019) 5 SCC 1*** and ***Gurwinder Singh v State of Punjab & Anr., (2024) 5 SCC 403***.

47. It is the case of NIA that the material against the Appellant/A-2 is sufficient to satisfy the threshold for rejection of bail under the proviso to Section 43D(5), UAPA. It is submitted that the material on record

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Date:25.11.2026
18:08:37

demonstrates that the Appellant / A2 was intrinsically involved in the larger conspiracy to propagate the ideology of ISIS in India which seeks to establish *Sharia* law through means of violent *jihad,* recruit gullible youth for implementing the agenda of ISIS and to plan attacks throughout the country for implementation of this agenda. He generated funds for this objective and also arranged shelter for co-conspirators, A3 and WA-1 / A21.

48. It is also their case that the Appellant/A-2 administered oath of allegiance / *bayth* of ISIS to KW 4 and tried to brainwash him to participate in furthering the objectives of ISIS in India. The statements of KW 8, LW 29, LW 30, LW 32, KW 5 and LW 103 are relied upon by the NIA to establish that the Appellant/A-2 was not only a member of ISIS but was recruiting students in Aligarh Muslim University to join ISIS and in furtherance of his agenda, A2 met A13 in Padgha and there is overwhelming evidence to demonstrate that A-13 was actively propagating the agenda of ISIS in Padgha, had declared it to be a "liberated zone" and was supporting implementation of Sharia law through the panchayat after claiming that democracy was a shirk/ a sin.

49. Apart from the statements of the witnesses, NIA has also relied on the association of Appellant/A-2 with A-3 to demonstrate that Appellant/A-2 was also a part of the conspiracy to use violent methods for furthering the agenda of ISIS in India. The association of Appellant/A-2 with A-3 is established by the NIA on the basis of the following:

i. Documents received from BJ Government Medical College and Sassoon General Hospital, Pune which clearly disclose that A-3 used the identities of Appellant/A-2 and his wife (Zainab Arshad) for the delivery of his own i.e., A-3's wife i.e. Basanti Patel @ Khadija;

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Date:25.11.2026
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ii. Documents pertaining to the arrest of A-3 which disclose that A-3 was arrested at the behest of Appellant/A-2. In his disclosure statement, Appellant/A-2 has admitted that he arranged shelter for A-3 and can show the room in which A-3 was staying;

iii. A3 in his confession statement has admitted that he knew the Appellant/A-2;

iv. Statement of KW8 wherein he has stated that Appellant/A-2 contacted him to arrange shelter for A-3 in July, 2023; A2 contacted him to arrange shelter for WA-1/A21 and family members of WA-21 as also Appellant/A-2 and told him that it was their responsibility to keep A-3 and WA-1 / A-21.

50. It is the case of NIA that the statements of aforesaid witnesses has been corroborated by the data recovered from the mobile device of Appellant/A-2, the arrest of A3 and the seizures made from him.

51. Further, with respect to the supply of IPDR/CPDR Data in the chargesheets, it is submitted on behalf of NIA that they have been supplied with data only till 21st August, 2023 by the service provider and the said data has been filed with the chargesheet.

52. Clarification has also been provided by the NIA with regard to the number of witnesses examined, being 34 protected witnesses, 204 independent witnesses and 285 formal witnesses.

53. Reliance has been placed by NIA on the decision of the Supreme Court in ***Gulfisha Fatima v State (GNCTD), 2026 INSC 2*** to state that prolonged incarceration or delay in trial are *per se* not grounds to seek bail in offences which attract the standard laid down in Section 43D(5) of UAPA. It is their further submission that while disagreeing with the findings in ***Gulfisha***

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Date:25.11.2026
18:08:37

(supra) on this aspect, a Coordinate Bench of the Supreme Court, in ***Syed Iftikhar Andrabi v NIA, Jammu, 2026 INSC 503*** has nonetheless held that it is only in cases of unduly prolonged incarceration and when the trial is unlikely to conclude within a reasonable time that bail can be sought on the ground of delay as held in ***Union of India v KA Najeeb, (2021) 3 SCC 713***. Thus, it is the NIA's case that on the basis of material in the chargesheet, the Appellant herein is one of the prime conspirators involved in the conspiracy to spread the ideology of ISIS in India such as rejection of democracy, establishment of Khilafat and rule by *Sharia*, supported the use of violent means towards this end, recruited vulnerable Muslim youth for this purpose and helped in generation of funds. It is further the case of NIA that the Appellant has failed to demonstrate any basis to allege that his incarceration has been unduly prolonged or that the trial is unlikely to conclude in a reasonable time.

SUBMISSIONS ON BEHALF OF THE PARTIES IN CRL. A. 1337/2025 titled Munzir Abubakar Kunnathpeedikal v. National Investigating Agency (Accused No. 15)

Submissions on behalf of the Appellant/A-15:

54. At the outset, it is submitted that the Appellant/A-15 is a 39-year-old law abiding citizen – solely responsible for his ailing 78-year-old father, wife, three minor children and his older brother who is hearing impaired. Prior to his arrest in the present case on 09th December, 2023, the Appellant/A-15 is stated to be a co-owner of a hardware computer store called US Infotech Systems in Padgha, Maharashtra, wherein they dealt in various types of

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Date:25.11.2026
18:08:37

computer hardware, installation of CCTV, computer repairs and have contracts for collecting electronic scraps pan India.

55. Appellant/A-15 had completed a Diploma in Computer Hardware Maintenance and a vocational Industrial Training Institute (ITI) course.

56. It is also submitted that the Appellant/A-15 has no criminal antecedents, as confirmed by the NIA as well in its 1st Supplementary Chargesheet.

57. It is the case of the Appellant/A-15 that there is admittedly no recovery of incriminating material from him– weapons, arms, ammunition, terror financing trail, cash – in fact, not even incriminating pamphlets or literature, photographs or messages from his residence or on his phone. Appellant/A-15's office (where meetings allegedly took place) was not searched and no devices / CCTV footage from the premises were seized.

58. There is not a single call, message, WhatsApp, financial transaction between Appellant/A-15 and co-accused relied on by NIA to demonstrate conspiracy to attract Section 18, UAPA. There is no electronic evidence to show that ISIS 'handlers' were contacted through internet / VPN let alone any digital footprint involving Appellant/A-15.

59. There is no evidence connecting Appellant/A-15 to any terrorist act anywhere in India. It is submitted on behalf of Appellant that it is settled law that applicability of Section 20, UAPA hinges on invocation of a specified terrorist act under Section 15, UAPA. There is no material to even allege the lesser Chapter VI offences viz. Sections 38/39, UAPA – Appellant/A-15's membership in ISIS is not demonstrated, let alone active membership.

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Date:25.11.2026
18:08:37

60. The allegations of NIA are based solely on S. 161 CrPC statements. None of the S. 164 CrPC statements nor the statements of the two approvers, viz. Saif Ateeque Nachan and Rehan Suse name the Appellant/A-15.

61. Even taken at their highest, they do not disclose reasonable grounds to believe that the accusation against Appellant/A-15 is prima facie true for attracting the bar under S. 43D (5), UAPA.

62. It is submitted on behalf of Appellant/A-15 that three incriminating images are alleged to be present in Appellant/A-15's phone, which were included by NIA in the body of the 1st Supplementary Chargesheet. However, these images are *ex facie* not incriminating in any manner, let alone demonstrative of Appellant/A-15's membership in ISIS. The incriminating content stated to be retrieved from Appellant/A-15's phone and belatedly added in the 3rd and 4th Supplementary Chargesheets ought to be rejected on the following grounds:

i. First, none of this material is incriminating or related to the present case whatsoever;

ii. Second, of the various groups Appellant/A-15 is stated to be a member of, there are more than 100 persons on each such group. There is no incriminating or ISIS related content and in any case, Appellant/A-15 has not even circulated any messages;

iii. Third, three messages stated to be "forwarded" by Appellant/A-15 are not made by him and are mass forwards (a) relating to the political situation in Turkey, (b) relating to a journalist's article about false arrests by Lucknow ATS, and (c) story called "The Little and Innocent Mujahid".

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Date:25.11.2026
18:08:37

63. Thus, it is the case of the Appellant/A-15 that these belated allegations are *ex facie* not demonstrative of any criminality, let alone bearing any connection to the present prosecution. They are highly sectarian and bigoted allegations, made purely for sensationalism.

64. It is submitted that Appellant/A-15's taking of 'Bayth' from A-13 is a vague allegation, not demonstrated by admissible evidence.

65. With respect to the allegation regarding Appellant/A-15's presence at A-13's residence for one meeting during Ramzan 2022, it is submitted that the sole material is KW17's statement who claims that Appellant/A-15 showed him ISIS literature from A-13's computer at the meeting. However, there is no material to corroborate this statement – no material from A-13's computer relied on nor calls/messages/CDR between A-13, Appellant/A-15 and other members at this meeting to show that it happened.

66. With regard to the allegation regarding meetings at the office of Appellant/A-15 (along with A14 and A18) where they showed incriminating images "Voice of India" / "Don't vote – It's Shirk" / newspaper cutting of A-13, it is the Appellant/A-15's case that the sole material witness is LW Naim Nabhi Sheikh's statement and such statement, as also these images are *ex facie* not incriminating. No other employee / partner of Appellant/A-15 speaks of this alleged meeting and there is nothing to corroborate such statement. NIA has never searched Appellant/A-15's office premises/recovered CCTV to try to find any evidence of meetings.

67. Allegation that Appellant/A-15 assisted co-accused with VPN and internet access/data feeding etc. is implausible, as Appellant/A-15 is a hardware repair person with a basic diploma. KW30 claims Appellant/A-15 told him that he "looks after work of online uploading forms and applications

Signature Not Verified
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Signing
Date:25.11.2026
18:08:37

of their ISIS organization from home", however such statement is not backed by any evidence.

68. It is further submitted that two allegations have been made to invoke S. 201 IPC- (i) Appellant/A-15 deleted contents from his own phone; (ii) he deleted data from A13's home desktop. With respect to such allegations, sole materials are two S. 161 CrPC statements of KW30 and Naim Nabi Sheikh (employee), who state that Appellant/A-15 told them that he deleted all data from his phone/A13's home desktop after the arrest of A-13's sons around August 2023. These statements are inadmissible hearsay.

69. It is submitted that NIA's own Analysis Reports do not disclose which alleged incriminating material was deleted and retrieved, thus, a charge under Section 201, IPC cannot be sustained, unless incriminating evidence is destroyed.

70. In any event, all data has been retrieved by NIA and NIA has supplied Extraction Report (Clone) of Appellant/A-15's mobile phone running into 11,28,764 pages and has not relied on any allegedly deleted (and recovered) material to show destruction of incriminating evidence.

71. Regarding the deletion of data from the desktop of A-13, this Hon'ble Court sought an explanation from NIA as to whether any such deleted data was relied on this case. NIA admitted that no such data is retrieved or relied on this case across five chargesheets. However, NIA claimed that such data was relied on in another case RC 05/2023/NIA/MUM where A-13 is an accused and sought to reopen arguments on this basis. However, it is submitted that material from another separate criminal prosecution does not constitute evidence in this case.

Signature Not Verified
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Date:25.11.2026
18:08:37

72. The first final report in RC-5 (relied on in present case) does not allege that there was deletion of data from the desktop of A-13, let alone that anyone else had a role in such deletion. Further, an Analysis Report of this desktop has been relied on in this case, which shows no incriminating data, let alone deletion of any incriminating data.

73. Therefore, it is submitted on behalf of Appellant/A-15 that NIA cannot demonstrate on even a *prima facie* basis that any material was deleted by Appellant from desktop of Saquib Nachan (A13, since deceased), let alone there being any material about the deleted data being incriminating, when or how the data was deleted, etc.

74. It is the case of Appellant/A-15 that the allegations of deletion / tampering were made purely to deny the Appellant/A-15 bail under triple test, since there no prima facie made out to attract the bar under S. 43D(5) UAPA.

75. Appellant/A-15 has also contended from the date of his arrest that no grounds of arrest were informed to him or supplied in writing, which this vitiates the arrest as held in ***Prabir Purkayastha v. Union of India & Anr. 2024 SCC OnLine SC 934.***

76. It is submitted that as on date, trial has not commenced, and there are 21 accused persons, more than 500 witnesses and documents running into several thousand pages and several TBs of electronic data. The likelihood of prolonged incarceration due to a protracted trial defeats Appellant/A-15's Article 21 protection.

77. Reliance has been placed upon decision of Supreme Court in ***NIA v. Zahoor Ahmed Shah Watali (2019) 5 SCC 1,*** to state that the said judgment also requires the Court to record a finding based on broad probabilities regarding involvement of the accused in the commission of the offence.

Signature Not Verified
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Date:25.11.2026
18:08:37

Further, ***Watali (supra)*** holds that the evidence must be good and sufficient and not contradicted, overcome or disproved by other evidence.

Submissions on behalf of the NIA:

78. On behalf of the NIA, it is stated that the Appellant/A-15 and the co-accused persons were influenced by the radical ideology of ISIS, a banned terrorist organization, which seeks to establish *Khilafat* and rule by *Sharia* law. They were spreading this agenda in India and recruiting gullible youth, procuring funds and arms and ammunition to do so.

79. The Appellant/A-15 was providing technical support to A-13 and other co-accused persons in carrying out their activities and had taken *bayth* / oath of allegiance towards the Khalifa (head) of ISIS.

80. It is further submitted that during a meeting around the time of Ramzan in 2022, at the house of Saquib Nachan / A-13 (the self-styled head of ISIS in India), Appellant/A-15 tried to recruit a witness to join ISIS by showing him propaganda material on A-13's computer. A-15 showed witnesses propaganda material for joining ISIS at his shop.

81. Pursuant to the arrest of Akif Nachan (in RC-18/2022) and Shamil Nachan (in RC- 5/2023) who were from Padgha, Appellant/A-15 deleted incriminating material from his phone and the desktop of A-13.

82. It is the case NIA that the ld. Trial Court has correctly applied the test for grant of bail under Section 43D (5) of the UAPA, as explained in ***NIA v Zahoor Ahmad Shah Watali, (2019) 5 SCC 1*** and ***Gurwinder Singh v State of Punjab & Anr., (2024) 5 SCC 403*** to consider whether there are reasonable grounds for believing that the allegations are *prima facie* true. It is stated that as held in ***Zahoor Ahmed Shah Watali (supra),*** the expression *"prima facie"*

Signature Not Verified
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Date:25.11.2026
18:08:37

means that the material gathered by the prosecution in reference to the accused must prevail unless contradicted or disproved by other evidence and should on the face of it show complicity of the accused in the offence alleged against him.

83. It is further the case of NIA that the law laid down in ***Zahoor Ahmed Shah Watali (supra)*** and ***Gurwinder Singh (supra)*** has been recently followed in ***Gulfisha Fatima v State (GNCTD), 2026 INSC 2*** where the Supreme Court has once again laid down that at the stage of consideration of an application for bail under Section 43D (5) of UAPA, evaluation of defences, weighing of evidence or conduct of a mini trial is not permissible. Once the prosecution case taken as it stands crosses the threshold of a *prima facie* case, the rigour of Section 43D (5) applies with full force and the statutory restraint cannot be treated as a matter of discretionary balancing. The only inquiry open to the Court at this stage is whether the material taken as it stands and read cumulatively furnishes reasonable grounds for believing that the accusations are *prima facie* true.

84. Ld. Counsel for NIA submits that at this stage, the Court is not assessing whether the prosecution will ultimately succeed but whether the prosecution case, as presented, crosses the statutory threshold at the bail stage.

85. It is submitted on behalf of NIA that the material placed on record demonstrates that Appellant/A-15 was a member of the group constituted to carry out the agenda of ISIS in India constituted by A-13 and he acted to facilitate the actions of this group. For the said purpose, NIA has relied upon the statements given by several witnesses, including protected witnesses and independent witnesses. In view of the above, it is NIA's submission that there

Signature Not Verified
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Signing
Date:25.11.2026
18:08:37

is sufficient material on record to establish a *prima facie* case against the Appellant inter alia under Section 38, UAPA.

86. As per the case of NIA, sufficient material has been placed on record to demonstrate support / facilitation by the Appellant/A-15, of the actions of the group of alleged persons, including through recruitment and arranging of technical support, engaging in training with arms and ammunition.

87. In this regard as well, reliance is placed upon the decision of Supreme Court in ***Gulfisha Fatima (supra)*** wherein it has been clarified that under the UAPA, criminal liability is not just confined to final execution of a "terrorist act" as defined under Section 15 but by way of Section 18, extends to those who contribute to the commission of such acts through planning, coordination, mobilisation, or other forms of concerted action.

88. Further, NIA has relied upon decision of Supreme Court in ***Union of India v Barakathullah, 2024 SCC OnLine SC 1019,*** to state that it is not necessary to show actual involvement of the Accused in a specific "terrorist act" under Section 15 in order to sustain an allegation under Section 18, UAPA. For attracting Section 18, material to show that the Accused had conspired to commit a terrorist act or acts preparatory to a terrorist act is sufficient.

89. It is submitted that the NIA has complied with the mandate of Section 43B, UAPA and informed the Appellant/A-15 of the grounds of his arrest at the time of his arrest as well as supplied the same in writing. This fact is clearly recorded in the arrest memo. The grounds of arrest which were supplied in writing also bear the signature of the Appellant/A-15. Thus, it the case of NIA that the allegation of the Appellant/A-15 that his signatures have been forged on the document is a matter which has to be established during

Signature Not Verified
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Date:25.11.2026
18:08:37

trial and that this allegation is a complete afterthought, which has been raised only to escape the rigours of Section 43D(5), UAPA.

ANALYSIS AND FINDINGS

90. The challenge in the present two appeals is made to the respective impugned orders dated 14th August, 2025, passed by the ld. Trial Court, denying the grant of bail to both Appellants, i.e. Accused No. 2 & Accused No. 15 in RC No. 29/2023/NIA/DLI.

91. As noted above, ***RC No. 29/2023/NIA/DLI*** arises from Crime No. 243/2023, registered by the Special Cell, Delhi Police in September, 2023, wherein the investigation was ultimately transferred to the NIA in November, 2023. Till date, NIA has filed a total of 5 chargesheets in this case, including one main chargesheet and 4 supplementary chargesheets, with the most recent 4th Supplementary Chargesheet having been filed on 7th January, 2026.

92. A perusal of the allegations against both the Appellants, as also the supporting material laid down in the chargesheets, would show that in this case, the main accused is A-13 - Saquib Abdul Hamid Nachan (now deceased) who was, in effect, considered to be the head of ISIS in India. The role played by A-13 is elaborately described across the allegations in the chargesheet, and he seems to be at the epicenter of the alleged larger conspiracy to establish control of ISIS in India.

93. However, at this stage, when the trial is yet to commence in the matter and the case is still at such a nascent stage, this Court, while considering the bail of the Appellants, is not attempting to venture into the merits of ***RC No. 29/2023/NIA/DLI.***

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Date:25.11.2026
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94. The question that lies at the center of consideration for this Court in both these appeals is whether the allegations against the Appellants, as stated in the chargesheets filed by the NIA are *prima facie* true or not, in order to assess whether they are entitled to bail.

95. Under Section 43D (5) of UAPA, it is the settled position of law that if there are reasonable grounds to show that the accusations against the person are *prima facie* true, then the accused person is not to be released on bail. The nature of this threshold under Section 43D(5) of the UAPA have also been repeatedly discussed in several judgments by the Supreme Court. For the purpose of analyzing the rigors of Section 43D(5) of UAPA, the same is extracted below:

> *"43D. Modified application of certain provisions of the Code.—(1) Notwithstanding anything contained in the Code or any other law, every offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of clause (c) of section 2 of the Code, and "cognizable case" as defined in that clause shall be construed accordingly.*
>
> *XXX*
>
> ***(5) Notwithstanding anything contained in the Code, no person accused of an offence punishable under Chapters IV and VI of this Act shall, if in custody, be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity of being heard on the application for such release:***
>
> ***Provided that such accused person shall not be released on bail or on his own bond if the Court, on a perusal of the case diary or the report made under section 173 of the Code is of the opinion that***

Signature Not Verified
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Signing Date:25.11.2026 18:08:37

there are reasonable grounds for believing that the accusation against such person is prima facie true"

96. In ***Zahoor Ahmad Shah Watali (supra),*** the Supreme Court set out the factors a Court must weigh in when deciding a bail application under the UAPA. In the said case, the accused was alleged to have served as a channel for transferring funds, received from various organisations, to support separatist elements in Jammu and Kashmir. Several violent acts were carried out, and the aim was to bring about the secession of Jammu and Kashmir from India. After examining the material on record, the Trial Court rejected the accused's bail applications, holding that the offences were *prima facie* made out. The High Court, however, granted bail to the accused. When the grant of bail was challenged before the Supreme Court, the following contours of such application were laid down:

> ***"21.*** *Before we proceed to analyse the rival submissions, it is apposite to restate the settled legal position about matters to be considered for deciding an application for bail, to wit:*
>
> ***(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;***
>
> ***(ii) nature and gravity of the charge;***
>
> ***(iii) severity of the punishment in the event of conviction;***
>
> ***(iv) danger of the accused absconding or fleeing, if released on bail;***
>
> ***(v) character, behaviour, means, position and standing of the accused;***
>
> ***(vi) likelihood of the offence being repeated;***
>
> ***(vii) reasonable apprehension of the witnesses being tampered with; and***

Signature Not Verified
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Date:25.11.2026
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(viii) danger, of course, of justice being thwarted by grant of bail. (State of U.P. v. Amarmani Tripathi [State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21, para 18 : 2005 SCC (Cri) 1960 (2)] .)

22. When it comes to offences punishable under special enactments, such as the 1967 Act, something more is required to be kept in mind in view of the special provisions contained in Section 43-D of the 1967 Act, inserted by Act 35 of 2008 w.e.f. 31-12-2008. Sub-sections (5), (6) and (7) thereof read thus:

"43-D. Modified application of certain provisions of the Code.—(1)-(4)

***

(5) Notwithstanding anything contained in the Code, no person accused of an offence punishable under Chapters IV and VI of this Act shall, if in custody, be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity of being heard on the application for such release:

Provided that such accused person shall not be released on bail or on his own bond if the Court, on a perusal of the case diary or the report made under Section 173 of the Code is of the opinion that there are reasonable grounds for believing that the accusation against such person is prima facie true.

(6) The restrictions on granting of bail specified in sub-section (5) is in addition to the restrictions under the Code or any other law for the time being in force on granting of bail.

(7) Notwithstanding anything contained in sub-sections (5) and (6), no bail shall be granted to a person accused of an offence punishable under this Act, if he is not an Indian citizen and has entered the country unauthorisedly or illegally except in very exceptional circumstances and for reasons to be recorded in writing."

Signature Not Verified
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Signing Date:25.11.2026 18:08:37

23. By virtue of the proviso to sub-section (5), it is the duty of the Court to be satisfied that there are reasonable grounds for believing that the accusation against the accused is prima facie true or otherwise. *Our attention was invited to the decisions of this Court, which has had an occasion to deal with similar special provisions in TADA and Mcoca. The principle underlying those decisions may have some bearing while considering the prayer for bail in relation to the offences under the 1967 Act as well. Notably, under the special enactments such as TADA, Mcoca and the Narcotic Drugs and Psychotropic Substances Act, 1985, the Court is required to record its opinion that there are reasonable grounds for believing that the accused is "not guilty" of the alleged offence. There is a degree of difference between the satisfaction to be recorded by the Court that there are reasonable grounds for believing that the accused is "not guilty" of such offence and the satisfaction to be recorded for the purposes of the 1967 Act that there are reasonable grounds for believing that the accusation against such person is "prima facie" true.* ***By its very nature, the expression "prima facie true" would mean that the materials/evidence collated by the investigating agency in reference to the accusation against the accused concerned in the first information report, must prevail until contradicted and overcome or disproved by other evidence, and on the face of it, shows the complicity of such accused in the commission of the stated offence. It must be good and sufficient on its face to establish a given fact or the chain of facts constituting the stated offence, unless rebutted or contradicted.*** *In one sense, the degree of satisfaction is lighter when the Court has to opine that the accusation is "prima facie true", as compared to the opinion of the accused "not guilty" of such offence as required under the other special enactments. In any*

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Date:25.11.2026
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case, the degree of satisfaction to be recorded by the Court for opining that there are reasonable grounds for believing that the accusation against the accused is prima facie true, is lighter than the degree of satisfaction to be recorded for considering a discharge application or framing of charges in relation to offences under the 1967 Act…

XXX

24. A priori, the exercise to be undertaken by the Court at this stage – of giving reasons for grant or non-grant of bail – is markedly different from discussing merits or demerits of evidence. The elaborate examination or dissection of the evidence is not required to be done at this stage. The Court is merely expected to record a finding on the basis of broad probabilities regarding the involvement of the accused in the commission of the stated offence or otherwise."

97. The ruling in ***Zahoor Ahmad Shah Watali (supra)*** has been applied in a number of later decisions, among them being ***Gurwinder Singh v. State of Punjab and Another (2024) 5 SCC 403*** and ***Shaikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari v. State of Uttar Pradesh, 2024 INSC 534.***

98. Therefore, applying the test laid down in ***Zahoor Ahmad Shah Watali (supra),*** this Court must form a *prima facie* opinion, based on broad probabilities, as to whether the accusations against the Appellants appear to be true on their face.

99. Having set out the legal principles governing grant of bail under UAPA, it is necessary to examine the material on record to determine whether a *prima facie* case is disclosed against the Appellants in the case in hand.

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Date:25.11.2026
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Analysis & Findings in CRL. A. 1342/2025 titled Mohammad Arshad Warsi v. National Investigating Agency (Accused No. 2)

100. The allegations against Appellant/A-2 are contained in the main chargesheet filed by the NIA on 21st March, 2024, wherein he was charge-sheeted under Sections 120B, 201 of IPC and Sections 18, 19, 20, 38, & 39 of UAPA. The said allegations against Appellant/A-2 have already been summarized above. However, since the allegations against Appellant/A-2 are closely intertwined with those against A-3, it is necessary to take a glance at the allegations made by NIA against A-3 as well-

101. ***Allegations to establish the role of A-3:***

- A-3 arrested at the instance of Appellant/A-2 and upon his pointing out of the house where A-3 was residing;
- It is alleged that A-3 is an active member, main conspirator, recruiter, expert bomb maker of ISIS. He is actively engaged in providing continuous support to ISIS to establish Khilafat and rule of Sharia law in India. He propagates, abets and incites gullible youths to adopt means of violent jihad for supporting ISIS;
- Huge incriminating data recovered from the electronic devices/pen drive recovered from A-3;
- Alleged that A-3 had conducted various reccees using a motor bike which was seized upon his arrest and had also assaulted the Delhi Special Cell Police Team when they had raided the house on 1st October, 2023 from where he was 1arrested;

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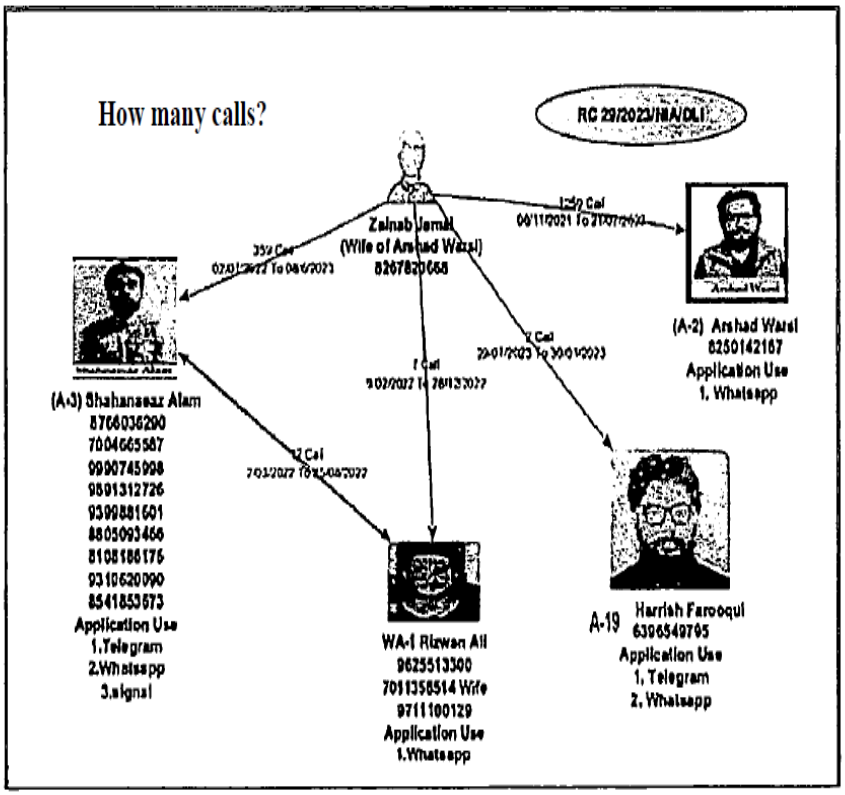
- A-2 and A-3 used to continue their illegal activities under the directions of A-13;
- From A-3, various books and materials for preparation of explosives including documents relating to chemical warfare, detonators, etc. were recovered;
- IEDs were also recovered from A-3 inside the house which was pointed out by Appellant/A-2 and from where A-3 was arrested;
- Instructions were received by A-3 in Urdu language as to how gun powder could be used in preparation of explosives;
- Details of terror funds received by A-3 and his associates under the title '*paison ka hisab'* was found;
- A Mujahideen Poisons Handbook, easy explosives and PETN preparation book in two volumes were also found;
- Images of A-3 taking the *bayth* (pledge of allegiance) under the ISIS flag were found;
- A-3 was also involved in searches for places which can be used as hideouts and for training camps of ISIS;
- It is alleged that in order to raise funds for the activities of ISIS, in the year 2019-20, A-3 along with his associates did Mal-E-Ganimat and for that they committed robberies, theft, procured illegal fire arms. Various cases are registered against A-3 at various police stations in Hazaribaug district. In those cases A-3 was arrested and charge sheeted;
- In Jan 2021, as per the alleged conspiracy, Appellant/A-2, A-3 along with suspect and witnesses went to Aligarh (UP) and met A-19. There A-l also joined them and they all conducted several meetings with local

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youths and students of Aligarh Muslim University (AMU) and propagated radical ideology of ISIS, provoked them for Hijrat to Syria & Afghanistan;

- It is alleged that A-3 had used Appellant/A-2 and his wife Zainab's Aadhar Cards at the time of delivery of his wife, Basanti Patel @ Khadija at B. J. Medical College, Pune in 2022 to hide the actual identity of A-3 while he was furthering criminal activities ISIS on the direction of his handler in Pune and surrounding areas;
- A-3 was charge-sheeted u/s Sections 120B of IPC and Sections 18, 20, 23, 38, & 39 of The Unlawful Activities (Prevention) Act, 1967, Section 4 & 5 of Explosive Substances Act 1908;
- The inter-connection between Appellant/A-2, A-3 and others has been depicted by means of a pictorial image in the following manner in the main chargesheet:

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102. The allegations against Appellant/A-2 in the main chargesheet depict that he was closely associated with A-3 and was in fact allegedly harboring A-3. This *prima facie* becomes evident from the following facts which have emerged, along with the supporting documents:

i) Appellant/A-2 had pointed out the residence of A-3 from where he was arrested and substantial amount of explosive material was seized. The pointing out memo in this regard has been extracted above;

ii) Appellant/A-2 provided support to A-3 by allowing A-3 to use A-2's Aadhar card, during the delivery of A-3's child in Pune. The documents from B.J. Government Medical College & Sassoon General Hospitals, Pune, which have been placed on record during the course of hearings shows that one Mrs. Zainab Arshad Khan (Zainab Jamal

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Date:25.11.2026
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Arshad Warsi) was received at the Hospital, wherein she had delivered a baby on 11th September, 2022 and the Aadhar Card of the Appellant bearing no. 6875 5345 6678 and her own Aadhar Card describing her as the daughter of one Imtazar Ahmed had been furnished as the identity of Zainab, who was actually the wife of A-3, whose real name was Basanti Patel @ Khadija.

103. Thus, the evidence which has come on record would show that the Appellant/A-2 was *prima facie* closely linked with A-3.

104. The Appellant/A-2, being an Engineer with B-Tech Degree from Aligarh Muslim University and an MBA Degree from Jamia Milia Islamia University is clearly a very educated person. He was also a Ph.D student at the time of his arrest.

105. The allegations stated by the NIA in the chargesheet clearly show how the Appellant/A-2, not only became a part of the nexus leading to a larger conspiracy, but also allegedly indulged in harboring, assisting and resorting to propagating ISIS ideology in India, which is evident, not only from the statements of various protected witnesses, but also the supporting documents that form a part of the chargesheet filed by NIA.

106. The protected witnesses have given specific details of how they knew the Appellant/A-2 and how he was involved in instigating and recruiting gullible youth for ISIS and enabling conversion of Hindu youth into Islam and supporters of ISIS. The statements given by protected witnesses show that there are specific incidents described by them implicating the Appellant/A-2.

107. The Appellant/A-2's two mobile phones, which were seized and then scrutinized, would show that there was substantial ISIS related material, including material relating to making of explosives and use of weaponry. He

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also used various pseudo names for creating identities on communication apps. The scrutiny also revealed that some of the contents of the phone were also deleted. The internet search history of Appellant/A-2 are also relied upon by the NIA to allege that he was involved actively in preparation or explosives.

108. The explanation given by ld. Counsel for the Appellant/A-2 to the effect that the searches conducted by him on groundnut oil solubility in water, potassium permanganates solubility in water were done because he was teaching students from Class VI to Class X, may appear appealing, if read in isolation. However, when the same is considered in the overall facts and evidence, where the Appellant/A-2 had lent his Adhaar Card to be used by A-3, from whom such a huge amount of seizure of explosives and ingredients to make IEDs have been effected, it becomes improbable that the said search history was simply for the purpose of teaching school students.

109. At this stage, the Court shall also consider the contention of the Appellant/A-2 pertaining to long period of incarceration during the pendency of the trial.

110. The Appellant/A-2 was arrested in this case on 1st October, 2023 and has been in custody for more than three years. The fourth supplementary charge-sheet in the case has been filed on 7th January, 2026 and the charges are yet to be framed before the ld. Trial Court.

111. Ld. Counsel for the Appellant/A-2 has relied upon the decision of Supreme Court in ***K.A. Najeeb v. Union of India [(2021) 3 SCC 713*** to argue that long period of incarceration during the pendency of trial, when the trial is not likely to conclude in near future, is a ground for grant of bail.

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112. However, it is also relevant to note that the investigation in this case spans across India, as the same is relating to a large network of ISIS and how the said organization is alleged to have spread in various states including Rajasthan, Maharashtra, Madhya Pradesh, Uttar Pradesh and Delhi. The unravelling of such an extensive network requires time and in-depth investigation. In fact the core place of the investigation is Padgha in Maharashtra which is allegedly claimed as ISIS territory in India. Such a claim is very disturbing and poses a serious threat to National security.

113. A perusal of all the chargesheets filed by the NIA until now shows that detailed analysis of several evidences, witnesses and unravelling of networks spread across the country is being carried out. Such in-depth investigation is bound to take certain amount of time.

114. In ***K.A. Najeeb (supra),*** a three-judge bench of the Supreme Court observed that a Constitutional Court is not strictly bound by the prohibitory provisions of grant of bail under UAPA, and can exercise its constitutional jurisdiction to release an accused on bail who has been incarcerated for a long period of time. The relevant portion of the said decision reads as under:

> ***"17. It is thus clear to us that the presence of statutory restrictions like Section 43-D (5) of UAPA per-se does not oust the ability of Constitutional Courts to grant bail on grounds of violation of Part III of the Constitution. Indeed, both the restrictions under a Statue as well as the powers exercisable under Constitutional Jurisdiction can be well harmonised. Whereas at commencement of proceedings, Courts are expected to appreciate the legislative policy against grant of bail but the rigours of such provisions will melt down where there is no likelihood of trial being completed within a reasonable time and the period of incarceration***

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Date:25.11.2026
18:08:37

> ***already undergone has exceeded a substantial part of the prescribed sentence. Such an approach would safeguard against the possibility of provisions like Section 43-D (5) of UAPA being used as the sole metric for denial of bail or for wholesale breach of constitutional right to speedy trial."***
>
> ***"18. Adverting to the case at hand, we are conscious of the fact that the charges levelled against the respondent are grave and a serious threat to societal harmony. Had it been a case at the threshold, we would have outrightly turned down the respondent's prayer. However, keeping in mind the length of the period spent by him in custody and the unlikelihood of the trial being completed anytime soon, the High Court appears to have been left with no other option except to grant bail. An attempt has been made to strike a balance between the appellant's right to lead evidence of its choice and establish the charges beyond any doubt and simultaneously the respondent's rights guaranteed under Part III of our Constitution have been well protected."***

115. Thus, in ***Najeeb (supra),*** the Supreme Court itself observed that had the matter arisen at the threshold stage of the proceedings, the Respondent's prayer for bail would not have merited acceptance.

116. The above judgment and various other decisions of the Supreme Court were considered in ***Gulfisha (supra),*** to decide that in prosecutions under the UAPA, when delay and prolonged incarceration are invoked as grounds for bail, what is the principle approach by which a constitutional court is to examine such a plea. In the said case, the Supreme Court held as under:

> *"**30.** Article 21 occupies a central place in the constitutional scheme. The right to life and personal liberty, and the insistence that any deprivation must*

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conform to procedure established by law, are foundational guarantees. The right to a speedy trial has been recognised as an important facet of this guarantee. It follows that pre-trial incarceration cannot, by the mere passage of time, be permitted to assume the character of punishment.

31. At the same time, Article 21 has never been understood as operating in isolation from law. The constitutional promise is not that liberty will be unregulated, but that deprivations of liberty will not be arbitrary, unconscionable, or unfair. The expression "procedure established by law" reflects that balance. The UAPA, as a special statute enacted to address offences alleged to affect the security of the State and the stability of civic life, represents a legislative judgment as to the conditions under which bail may be granted at the pre-trial stage. Section 43D(5) of UAPA embodies the exercise of that judgment.

***32**. In **Union of India v. K.A. Najeeb**, this Court recognised a constitutional safeguard that cannot be ignored: statutory restrictions cannot be applied so as to render the guarantee of personal liberty illusory. It was held that where the trial is not likely to commence or conclude within a reasonable period, constitutional courts retain the jurisdiction to grant bail notwithstanding statutory restraints. The decision thus operates as a protection against unconscionable detention and there can be no second opinion on the said principle.*

***33**. The same decision, however, does not indicate as laying down a mechanical rule under which the mere passage of time becomes determinative in every case arising under a special statute. The jurisprudence of this Court does not support a construction whereby*

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Date:25.11.2026
18:08:37

delay simpliciter eclipses a statutory regime enacted by Parliament to address offences of a special category.

***34**. The constitutional inquiry into delay is not an inquiry into guilt. It is an inquiry into whether continued detention remains constitutionally permissible in the circumstances of the case. That inquiry is necessarily contextual. Context includes the nature of the allegation, the statutory field, the stage of the proceedings, the realistic trajectory of the trial, the causes contributing to delay, and the risks attendant upon release. Delay cannot be detached from these considerations and treated as a solitary determinant.*

35. The proper constitutional question, therefore, is not whether Article 21 is superior to Section 43D (5). The proper question is how Article 21 is to be applied where Parliament has expressly conditioned the grant of bail in relation to offences alleged to implicate national security. The law does not contemplate an either-or approach. Nor does it contemplate an unstructured blending of statutory and constitutional considerations. What is required is disciplined judicial scrutiny that gives due regard to both.

xxx

101. It is well recognised that Article 21 rights, though not absolute, require the State and the Court to justify continued custody with reference to the specific individual before it. Treating all accused identically irrespective of their roles would risk transforming pre-trial detention into a punitive mechanism divorced from individual circumstances. The constitutional mandate demands a differentiated inquiry: where prolonged custody disproportionately

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Date:25.11.2026
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burdens those whose roles are limited, the balance between individual liberty and collective security may call for conditional release, while the same balance may tilt differently for those alleged to have orchestrated the offence."

117. The correctness of the above judgment, insofar as interplay between Article 21 of the Constitution of India and Section 43D(5) of the UAPA is concerned, has been doubted by the Supreme Court in ***Syed Iftikhar Andrabi v. National Investigation Agency, Jammu, 2026 INSC 503***. Thus, this issue concerning the interplay between Article 21 of the Constitution and Section 43D(5) of the UAPA Act, has now been referred to a larger Bench in ***Tasleem Ahmed v. State Govt. of NCT of Delhi (order dated 22.05.2026 passed by the Supreme Court in SLP (Crl.) 2867/2026).***

118. It is relevant to note that recently, the Coordinate Bench of this Court, in ***Jagtar Singh Johal @ Jaggi v. NIA [2026:DHC:7994-DB]*** has granted bail to the Appellant therein on the ground of long period of incarceration. However, in the said case, the Appellant had been in custody for more than 8 years and though the charges stood framed against the Appellant, only 40 witnesses had so far been examined and another 123 witnesses' testimony was yet to be recorded. Accordingly, the Court, while observing that the trial might not conclude in the near future, had granted bail to the Appellant.

119. In another case, being, ***Naim @ Mohd. Naeem v. NIA [2026: DHC: 8533-DB]*** the Coordinate Bench of this Court has recently granted bail to the Appellant therein, who had been in custody for a period of more than 7 ½ years and in the trial only 42 witnesses out of 112 had been examined. The Court held that there seemed no possibility of the trial concluding any time

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Date:25.11.2026
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soon. Thus, given the nature of the evidence and the delay in conclusion of trial, bail was granted to the Appellant.

120. The case in hand, however, is distinguishable on facts from the decisions cited above. The Appellant/A-2 has been in custody for around 3 years. There are several protected witnesses who are stated to have tendered their statements before the NIA and there may be many more whose statements are yet to be recorded. The said protected witnesses are yet to be appear before the ld. Trial Court and give their testimonies. The allegations by the protected witnesses against Appellant/A-2 are extremely serious in nature and have significant bearing on the outcome of this case. It appears that the investigation is still underway in this matter.

121. Further, in the opinion of this Court, this is not a case where the delay in trial can be attributed to the NIA as the Agency is undertaking a mammoth investigation in several geographical locations, as is evident from the various supplementary charge sheets. The provisions under which the Appellant/A-2 has been sought to be charged could attract sentence up to life imprisonment. Under such circumstances, when the allegations against him seem to be *prima facie* true, the charges against him cannot be brushed away as being trivial or lacking evidence. The Court also notes that the material on record shows that the Appellant/A-2 had strong roots and connections in Delhi. He was not only residing in the city, but is also alleged to have helped co-accused persons in finding residence in Delhi. In light of such circumstances, the likelihood of Appellant/A-2 influencing the protected witnesses, if released on bail, seems to be high.

122. Even by applying the normal standards for grant of bail, such as flight risk, possibility of influencing witnesses, and likelihood of tampering with the

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Date:25.11.2026
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evidence, the Court is of the opinion that since the trial is yet to start and the recording of testimonies of several crucial witnesses is still remaining, the Appellant/A-2 cannot be released on bail at this stage. The Appellant/A-2 having been found in middle of the entire web of alleged conspiracy with allegations of harboring and actively participating in making of IEDs against him, the threshold of grant of bail under Section 43D(5) of UAPA is not satisfied in his case and thus, he would not be entitled to bail at this stage. The impugned order dated 14th August, 2025 passed by the ld. Trial Court, rejecting grant of bail to the Appellant/A-2- Mohammad Arshad Warsi is accordingly upheld.

123. Having regard to the reliance placed upon protected witnesses, this Court is of the opinion that on the completion of the examination of the protected witnesses relied upon by the NIA, or upon the expiry of a period of one year from the date of this order, whichever is earlier, the Appellant/A-2 would be at liberty to renew his prayer for grant of bail before the appropriate Court.

124. In the event of such prayer being made it shall be considered on its own merits, having regard to the stage then reached in the proceedings before the ld. Trial Court, and without being influenced by the impugned order or the present order.

125. ***CRL.A. 1342/2025*** is disposed of in said terms. Pending applications, if any, are also disposed of.

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Analysis & Findings in CRL. A. 1337/2025 titled Munzir Abubakar Kunnathpeedikal v. National Investigating Agency (Accused No. 15)

126. Insofar as Appellant/A-15 is concerned, the allegations by the NIA against him have also been discussed above. It is noted that there is nothing against the Appellant/A-15 in the main chargesheet, however, the allegations *qua* him are contained in the 1st supplementary chargesheet filed by NIA.

127. The application filed by the Appellant/A-15 seeking regular bail has been rejected by the ld. Trial Court by the impugned order, observing that the allegations against him appeared to be *prima facie* true. In reaching the said conclusion, the ld. Trial Court has relied upon the materials on record, including the statement of protected witnesses.

128. A perusal of the evidence on record pertaining to Appellant/A-15 would show that he was only a shopkeeper in Padgha, Maharashtra and the main allegation against him is that he had certain incriminating materials on his electronic devices, which were shown by him to propagate certain ISIS ideologies. It is also alleged that in the shop of Appellant/A-15, certain meetings were conducted to spread the ideology of ISIS and convince gullible youth into joining ISIS. He is also alleged to have deleted certain incriminating evidence from his device, as also from device of other co-accused persons, however, nothing has come on record yet to substantiate this allegation.

129. No other active role has been ascribed to Appellant/A-15, who was arrested only upon being named by one of the protected witnesses. The Appellant/A-15 is stated to be a sympathizer of ISIS, however, a perusal of the material on record shows that no other substantial evidence or

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Date:25.11.2026
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corroborative statements have come forward against Appellant/A-15 at this stage.

130. The Appellant/A-15 was arrested on 9th December, 2023 and has been in custody for approximately two years and ten months.

131. In the opinion of this Court, in the entire alleged network which was created by A-13, the Appellant may have had some role, but the same is not discernable at this stage.

132. The Court has noted the allegations made against the Appellant/A-15, as well as his defence. The Appellant/A-15's right under Article 21 of the Constitution of India must be balanced against the statutory bar in Section 43D(5) of the UAPA, and may in fact override it, in the circumstance where this Court has not been able to discern any substantial material against him.

133. The order on charge is yet to be passed and trial in the case is yet to commence. Considering the role attributed to A-15, this Court is of the opinion that the Appellant/A-15 is entitled to release on bail.

134. The Court is also mindful of the fact that one of the co-accused, A-2 has been denied bail by this Court in this very judgment. However, the allegations on record against both the accused persons are quite distinct. In the opinion of this Court, A-2 *prima facie* is instrumental in furthering and propagating the larger conspiracy of ISIS, as well as harbouring and supporting other accused persons. However, we find that the allegations against A-15 are different as against the allegations against A-2.

135. While the Court, at this stage, is convinced that the allegations against A-2 seem to be *prima facie* true, the same is not so in the case of A-15. Hence, on examining the material on record with respect to the contours of Section 43D(5) of UAPA, this Court is inclined to grant bail to the Appellant/A-15.

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136. Accordingly, without expressing any opinion on the merits of the allegations and the defence, Appellant/A-15 is directed to be released on bail, subject to the following conditions set out below:

(i) The Appellant/A-15 shall execute a personal bond in the sum of Rs. 2,00,000/- with a surety in the like amount to the satisfaction of the concerned Trial Court/Link Court;

(ii) The appellant/A-15 shall surrender his passport, if any, before the ld. Trial Court. If he does not hold a passport, an affidavit to that effect shall be filed before the ld. Trial Court;

(iii) The Appellant/A-15 shall reside in Delhi only during the pendency of the trial. He shall provide the complete details of his residential address in Delhi to the concerned I.O. of NIA, where he would be residing after his release. In the event of any change in the address, the same shall be informed to the concerned I.O., NIA;

(iv) The Appellant/A-15 shall not be permitted to travel outside of Delhi, especially to Padgha, Maharashtra, without prior permission of the Court. Any application seeking permission to travel shall disclose the destination, duration, purpose of travel and complete contact details during such travel;

(v) The Appellant/A-15 shall only use one mobile phone during the course of the trial, which shall always be kept in the switch-on mode at all times. He shall furnish the mobile number and his e-mail address to the I.O., NIA to and in event of any change in the same, he shall immediately intimate the I.O., NIA;

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(vi) The Appellant/A-15 shall appear before the ld. Trial Court on each date of hearing, unless exempted by the ld. Trial Court from such appearance;

(vii) He shall not exhibit any conduct that has the effect of delaying the proceedings;

(viii) The Appellant/A-15 shall not directly or indirectly contact, influence, threaten or communicate with any prosecution witness, protected witness, or person acquainted with the facts of the case;

(ix) The Appellant/A-15 shall not tamper with evidence, electronic material, records, devices or documents relating to the case;

(x) The Appellant/A-15 shall not make any public statement, including through print, electronic media or social media, touching upon the merits of the case, the evidence, the witnesses or the pending trial;

(xi) The Appellant/A-15 shall not participate in any activity which may prejudice public order or the integrity of the trial;

(xii) The Appellant/A-15 shall not upload/share/disseminate or circulate any anti-national material or in support of ISIS or any other terrorist organisation on any social media platform or otherwise;

(xiii) The Appellant/A-15 shall report to the concerned I.O., NIA once every fortnight, or at such interval as may be directed by the ld. Trial Court. The Investigating Officer shall maintain a separate register of attendance with respect to the Appellant/A-15;

(xiv) In the event of breach of any condition, it shall be open to the NIA to seek cancellation of bail before the appropriate Court.

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137. The impugned order dated 14th August, 2025, with respect to Appellant/A-15 is, accordingly, set aside and the appeal is disposed of in the above terms.

138. It is made clear that the observations made herein shall not be construed as an observation of the merits of the case.

139. A copy of this judgment be sent to the ld. Trial Court as also to the concerned Jail Superintendent for necessary information and compliance.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

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