

Bail Roster Judge
अतिरिक्त सत्र न्यायाधीश-06
Additional Sessions Judge-06
परिचालना हाऊस न्यायालय
Patiale House Court
नई दिल्ली
New Delhi

Bail Matter 666/2026

State of Delhi v. Mujahid Jamal Shaikh

FIR No. 44/2026

PS Special Cell

U/s. 336(4)/356(2)/353(2) of BNS

28.03.2026

Pr.: Sh. Mukul Kumar, Ld. Addl. PP for the State.

Sh. Aamir Raza Khan, Sh. Sazid S. R. Shah, and Sh. Amit Singh, ld. counsels for the applicant/accused (through A&N Associates).

IO/Inspector Devendra Singh, appeared through Video Conferencing.

1. This is the first regular bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused, Mujahid Jamal Shaikh, seeking release in FIR No. 44/2026 registered at PS Special Cell, Delhi. The applicant stands accused of offences punishable under Sections 336(4), 356(2) and 353(2) of the Bharatiya Nyaya Sanhita, 2023, read with Section 66 of the Information Technology Act, 2000. Sections 336(4) and 356(2) BNS areailable; the sole non-ailable provision invoked is Section 353(2) BNS.
2. The allegations, in brief, are that on 01.02.2026 the **applicant allegedly uploaded/reposted on his X (formerly Twitter) account (@real_hulk_sid) an AI-morphed image depicting the Hon'ble Prime Minister of India bowing before film actor Shah Rukh Khan. The post is stated to be objectionable and likely to promote disharmony. The FIR was lodged on 18.02.2026 by SI Ankur Tomar (complainant-**



cum-IO). The applicant was first served notice under Section 35(3) BNSS on 11.03.2026, appeared at PS Mangaon, Raigarh, Maharashtra, and was interrogated. His mobile phone containing the post was seized on 12.03.2026. He was not arrested at that stage. Investigation was subsequently transferred to Inspector Devendra Singh, who arrested the applicant from his residence on 18.03.2026. Police custody remand was granted for one day on 20.03.2026; thereafter judicial custody was ordered. The earlier bail application before the Ld. JMFC-03 was dismissed on 25.03.2026. Hence the present application.

3. Ld. Counsel for the applicant submitted that the applicant is a 34-year-old law-abiding citizen, sole bread-earner of his family comprising wife, three minor children, aged parents and one younger brother. He resides at the same rented address in Mangaon, Raigarh, Maharashtra for the last five years, works at Inaya Aluminium & Glass, and has deep roots in the community. He has no criminal antecedents. The evidence is entirely electronic; the mobile phone has already been seized and the X account was deactivated at the instance of the first IO. The applicant fully cooperated with investigation. It is further contended that Section 353(2) BNS is not prima facie attracted, as the post does not promote enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes/communities within the meaning of the provision, relying upon *Manzar Sayeed Khan v. State of Maharashtra* (AIR 2007 SC 2074) and *Imran Pratapgarhi v. State of Gujarat* (Criminal Appeal No. 1545 of 2025). Reliance is also placed on *Arnesh Kumar v. State of Bihar* (2014) 8 SCC 273, *Satender Kumar Antil v. CBI* (2022 LiveLaw (SC) 202) and *Sanjay Chandra v. CBI* (2012) 1 SCC 40.



4. Ld. Additional Public Prosecutor opposed the application, contending that the offence is grave, the applicant failed to appear before this Court on 16.03.2026 despite being bound down, and there is possibility of tampering with electronic evidence as the X account remains accessible to him.
5. This Court has carefully perused the entire record.
6. At the outset, it is recorded that police custody remand of the applicant was taken on 20.03.2026. No recovery has been effected thereafter. The applicant has no previous involvement in any criminal case. The offence alleged is limited to posting a single AI-morphed photograph of the Hon'ble Prime Minister in an objectionable manner alongside a film star.
7. On the technical aspects concerning procedural compliance, the Court notes the following sequence:
 - a. On 12.03.2026, SI Ankur Tomar (first IO) interrogated the applicant at PS Mangaon, seized his mobile phone containing the offending post, recorded his statement, and directed deletion of the post. The applicant was thereafter bound down to appear before the Patiala House Courts on 16.03.2026.
 - b. The applicant did not appear on the said date.
 - c. Investigation was marked to the present IO, Inspector Devendra Singh, on 16.03.2026. The present IO collected the case file and proceeded to Raigarh, arresting the applicant on 18.03.2026. Fresh grounds of arrest were supplied on 18.03.2026 (Annexure-6).

8. The applicant has placed on record a document purporting to be "grounds of arrest" dated 12.03.2026 (bearing signatures of SI Ankur



Tomar) which was allegedly served upon the brother of the applicant on 11.03.2026 (Annexure-5, page 31 of the paper-book). When a specific query was put to the present IO (who appeared through VC), Inspector Devendra Singh stated on instructions that the said document is not part of the official record and has been described by SI Ankur Tomar as a forged document. It is further pointed out that the date of receipt mentioned on the document is 11.03.2026, which creates an internal inconsistency. **The original of the said document has been shown to the Court by Ld. Counsel for the applicant and has been taken on record.**

9. However, the reply filed by the IO before the Ld. JMFC itself records that on 12.03.2026 the applicant “joined investigation”, his mobile phone was seized, and he was bound down. Thus, the possibility that grounds of arrest were in fact supplied on 12.03.2026 cannot be entirely ruled out on the basis of the material presently before this Court. **In these circumstances, while the Court is not expressing any final opinion on the authenticity of the document at this stage, it is deemed appropriate to direct the Deputy Commissioner of Police, Special Cell, to conduct a preliminary inquiry into whether the document dated 12.03.2026 bearing the purported signatures of SI Ankur Tomar is genuine or forged. If necessary, opinion of a handwriting expert may be obtained.**

10. The said inquiry may take some time, however, the Court is satisfied that: (i) investigation qua the applicant is complete; (ii) police custody remand was taken but no recovery was effected; (iii) the applicant himself closed/deactivated the X account on 14.03.2026 at the instance of the first IO, and later reactivated the same only upon the



request of the present IO for the purpose of investigation (as recorded in para 7 of the IO's reply).

11. In view of the above, and keeping in mind the principles laid down in Arnesh Kumar (supra), Satender Kumar Antil (supra), Dataram Singh v. State of U.P. (2018) 3 SCC 22 and the fact that the applicant has deep roots in society, is the sole bread-earner of his family, and there is no likelihood of his absconding or tampering with evidence, this Court is of the considered opinion that the applicant deserves to be released on regular bail.
12. Accordingly, **the bail application is allowed** subject to the following conditions: -
 - a. The applicant shall furnish a personal bond in the sum of ₹25,000/- (Rupees Twenty-Five Thousand only) with one surety of the like amount to the satisfaction of the Ld. Trial Court / Duty Magistrate.
 - b. The X account of the applicant shall be deactivated by the IO upon completion of the investigation and shall not be reactivated by the applicant unless express written permission is obtained from the Ld. Trial Court. The applicant shall not operate or reactivate the said account without such permission.
 - c. The applicant shall not leave the country without prior permission of the Ld. Trial Court.
 - d. The applicant shall appear before the Ld. Trial Court on every date of hearing and shall not tamper with evidence or influence any witness.
 - e. The applicant shall keep his mobile phone switched on and shall inform the IO of any change of address or contact number.



f. In the event of any violation of these conditions, the bail shall stand cancelled automatically.

13. Nothing stated in this order shall be construed as an expression of opinion on the merits of the case, which shall be decided by the Ld. Trial Court on the basis of evidence led before it.

14. A copy of this order be supplied to the counsel for applicant, the IO, the DCP Special Cell. The original document taken on record today (purported grounds of arrest dated 12.03.2026) shall be retained with the Court file.

15. Application disposed off accordingly.

Copy of order be also sent to Jail Superintendent.

(Saurabh Pratap Singh Laler)
ASJ-05/New Delhi District
Patiala House Courts, New Delhi
28.03.2026

Beek Roshan Judge
अतिरिक्त सत्र न्यायाधीश-05
Additional Sessions Judge-05
पटियाला हाऊस न्यायालय
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New Delhi



*Attended.
True
copy
28/3/26.*