



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE RAMKUMAR CHOUBEY

ON THE 9th OF APRIL, 2026

MISC. CRIMINAL CASE No. 13867 of 2026

WASIM KHAN AND OTHERS

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Zeeshan Siddiqui- Advocate through VC with Shri Sharik Akeel
Farooqui - Advocate for the applicants.

Shri Amit Pandey- Panel Lawyer for the respondent-State.
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ORDER

This is the first bail application filed by the applicants under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail relating to FIR/Crime No.112/2026 registered at Police Station- Kotwali Raisen District Raisen (M.P.) for the offences punishable under Section 196(1)(a) of BNS. Applicants are in custody since 08.03.2026.

2. As per the prosecution story, complainant Brajesh Chavariya has lodged a report with the police station on 7.3.2026 that he saw a reel on Instagram showing that the applicants along with others saying "Iran Ka Sath Dene Ja Rahe Hai Sab Milkar Allahu Akbar Hindustan Ka Musalman Na Kal Dara Tha Na Ham Aaj Darengey." On the basis of aforesaid, the present offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are



innocent and have been falsely implicated only on the pretext of complainant, who follows a particular ideology. It is further submitted that even the prosecution case, as revealed from the FIR, if accepted as it is, the alleged offence is not made out against the present applicants. It is further submitted that the applicants are in jail since 08.03.2026 and there is no apprehension of the applicants' absconding or tampering with the prosecution evidence. Thus, it is prayed that the applicants may be released on regular bail.

4. On the other hand, learned counsel for the respondent/State while opposing the bail application submitted that the applicants have uploaded incriminating material on the Instagram. The matter is under investigation and other material is likely to be recovered. Therefore, the applicants are not entitled to be released on bail.

5. The alleged offence punishable under Section 196(1)(a) of BNS has been described as under:-

"196. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.-(1) Whoever-

(a) by words, either spoken or written, or by signs or by visible representations or through electronic communication or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or
....."

6. The material placed in the case diary shows that the offence has been registered against the applicants only on the basis of material i.e. reel on



Instagram in which the applicants along with others are saying the words as mentioned hereinabove, which clearly shows that none of the content can be said to be promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., rather it is only showing a protest in favour of foreign country Iran, which is recently facing War with the United State of America. It also appears that the police has registered an FIR against the applicants even without having sufficient material constituting the alleged offence. Therefore, it is a fit case in which the applicants on bail may be released on bail. Thus, without commenting anything on the merits of the case, this application is allowed.

7. It is directed that the applicant **Wasim Khan and Yousuf Mehafooz** shall be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with one surety in the like amount to the satisfaction of the trial Court concerned, for their appearance before the said Court on all such dates as may be fixed during the pendency of trial. It is further directed that the applicants shall comply with the provisions of Section 480(3) of the BNSS.

8. Accordingly, this M.Cr.C. stands disposed of.

(RAMKUMAR CHOUBEY)
JUDGE