

Delhi Riots Case Ruling

BAIL, LIBERTY & UAPA ANALYSIS

Supreme Court Verdict | Jan

5

THE VERDICT: DECISIONS SUMMARY

Key Legal Outcomes

The Supreme Court delivered a mixed ruling on the conspiracy case involving the 2020 Delhi riots:

- 🔑 **Bail Denied:** Activists Umar Khalid and Sharjeel Imam remain in custody.
- 🔒 **Bail Granted:** Five co-accused were granted conditional liberty.
- 🕒 **Context:** Decision comes despite nearly 6 years of incarceration without trial.



PERSONAL LIBERTY & THE UAPA



Liberty is Not Absolute: The court held that constitutional guarantees are subject to stringent bail regimes under special statutes.



UAPA Superiority: Provisions under the Unlawful Activities (Prevention) Act (UAPA) override general principles of ordinary criminal law.



Stringent Threshold: Section 43D(5) of UAPA prescribes a higher bar for bail, requiring allegations to be prima facie untrue for release.



The Bench: Verdict delivered by Justice Aravind Kumar and Justice N.V. Anjaria.

The Hierarchy of Roles

DEFINING PARTICIPATION IN CONSPIRACY

HIERARCHY OF PARTICIPATION

Ideological Drivers

Khalid & Imam: Placed on a "qualitatively different footing." Alleged to be the strategists who converted protests into disruptive road blockades to paralyse the capital.

Local Facilitators

Five Co-Accused: Role described as "subsidiary" or "facilitative." Conned to logistical arrangements; participation was derivative rather than command-based.

WHY 6 YEARS WAS NOT ENOUGH

~6
Years Without Trial

Delay vs. Statutory Embargo

The Court distinguished the 2021 *K.A. Najeeb* precedent, ruling that delay is not a "mechanical rule" to override UAPA constraints.

- ! Delay not solely due to prosecution/police.
- 📄 Multiple procedural objections raised by defense.
- 🔍 Central roles require greater judicial circumspection.

REDEFINING "TERRORIST ACTS"

Beyond Conventional Weapons

The Court rejected the argument that "terrorist acts" only involve violence or weapons under Section 15 of the UAPA. The phrase "**any other means**" was interpreted expansively to include non-violent disruption that threatens national integrity or economic security.




Commentaries on the
**Unlawful Activities
(Prevention) Act, 1967**
The National Investigation Agency Act, 2008
And
Other Allied Acts
(With Model Charges)

Foreword by
Justice K M Joseph
Former Judge, Supreme Court of India

3rd Edition

ROAD BLOCKADES AS TERROR

The court observed that systemic disruption of civic life can prima facie amount to terrorism:

-  **Sustained Choking:** Blocking arterial roads to paralyse essential services.
-  **Strategic Timing:** Timing blockades with events like Trump's 2020 visit signifies terror intent.
-  **Rejection:** The defense argument that "Chakka Jams" are protected peaceful protest was dismissed.





BAIL CONDITIONS FOR CO-ACCUSED

Category	Condition Details
Financial Security	₹2,00,000 personal bond + two local sureties.
Mobility	Restrained from leaving Delhi without prior court permission.
Public Conduct	Barred from attending or addressing any gatherings.
Communication	Prohibited from circulating any material (posts/electronic/physical).

FUTURE RECOURSE: KHALID & IMAM

Window for Revival

While bail was denied, the court carved out a limited window for the duo to re-apply for bail at the trial court level:

-  Upon completion of examination of protected witnesses.
-  **OR** upon the expiry of one year from the date of this ruling.
Whichever occurs earlier.

CONSTITUTIONAL CONCERNS

“*Any ruling that renders personal liberty subservient to state interests is anathema to the Constitution.*”

— Advocate Vrinda Grover

Grover warns that branding road blockades as "terrorist acts" risks weaponizing law to criminalize democratic dissent.