

# Delhi Riots Case Ruling

BAIL, LIBERTY & UAPA ANALYSIS

Supreme Court Verdict | Jan

# 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.

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# 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

3<sup>rd</sup> 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 RE COURSE: 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 CONCERN

“*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.