



2025:AHC:157691

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION NO. 27331 OF 2025

Vasik TyagiApplicant(s)

Versus

State of U.P. Through ItRespondents(s)
Principal Secretary (Home)

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| Counsel for Applicant(s) | : | Atul Kumar |
| Counsel for Opposite Party(s) | : | G.A. |

Court No. - 67

HON'BLE SANJAY KUMAR SINGH, J.

1-By means of this bail application, applicant-Vasik Tyagi, who is involved in Case Crime No. 104 of 2025, under Sections 152, 192, 197(1), 353(2) of BNS, 2023, Police Station Charthawal, District Muzaffar Nagar, seeks enlargement on bail during the pendency of trial.

2-The brief facts of the case which are required to be stated are that Sub-Inspector Amit Kumar (PNO. 162654527) got a first information report lodged on 16.05.2025 at 02:41 hours against the accused applicant Vasik Tyagi for the offence under Section 152, 192, 197(1) and 353(2) of BNS, 2023 stating inter-alia that when he along with constable Sonu were on a patrolling duty, checking, search for wanted persons and maintaining peace in the area of Police Station

Sirohi, he got an information through social media post that applicant Vasik Tyagi s/o Shafik Tyagi, resident of village Pawti Khurd, Police Station Charthawal, District Muzzafar Nagar has posted/uploaded a post on his Facebook ID in support of Pakistan, in which it was mentioned that "Kamran Bhatti Proud of You. Pakistan Zindabad" and has also put an Indian National Flag on the ground and made a dog sit upon it. F.I.R. further alleges that from the said post, it seems that the applicant is supporting Pakistan while living in India. When the whole country is struggling with the terrorist activities of Pakistan, the applicant while living in India is uploading anti-national post against his own country i.e. India. This post has hurt the religious sentiments in the area, due to which feelings of enmity, hatred and animosity between the castes and communities is growing on the basis of religion etc. due to which, there is a possibility of breach of peace.

3-During investigation, applicant-Vasik Tyagi was arrested by the police on 07.06.2025. Thereafter he moved bail application before the district Court, which was rejected by the Court of Additional District and Sessions Judge, Muzaffar Nagar, vide order dated 21.07.2025. Thereafter applicant preferred instant bail application before this Court.

4-Heard Mr. Atul Kumar, learned counsel for the applicant and Mr. Rabindra Kumar Singh, learned Additional Government Advocate for the State of U.P.

5-It is argued by learned counsel for the accused-applicant that the applicant is innocent and has not committed the offence as alleged by the prosecution. It is next submitted that the applicant has been falsely implicated in this case. The applicant has neither uploaded, nor liked any anti-national post or hurt the sovereignty and integrity

of the country. The applicant is languishing in jail since 07.06.2025, therefore, he may be released on bail.

6- Per contra, learned Additional Government Advocate appearing for the State refuting the above submissions made on behalf of the applicant opposed the prayer for bail of the applicant by contending that :

(i) During investigation, the details of Facebook ID of the applicant being <https://www.facebook.com/wasik-tyagi> was obtained from Meta and as per cyber report, based upon the details provided by Meta, the following IP addresses were used in uploading the said social media posts :-

(a) 2409:40d2:006:80000:0000:0000:0000 Time Stamp 2025-06-04 18:49:29 UTC,

(b) 2409:40e6:0256:79d8:80000:0000:0000:0000 Time Stamp 2025-05-14 10:22:00 UTC and

(c) 2409:406e:002d:a9e9:8000:0000:0000:0000 Time Stamp 2025-05-16.

The aforesaid IP addresses were found on the mobile number 8279722726 of the applicant-Vasik Tyagi s/o Safik Tyagi.

(ii) Facebook ID of applicant was also found to be registered on his mobile number 9012228358.

(iii) After great efforts and on the basis of the information given by the informer, applicant-Vasik Tyagi was arrested on 07.06.2025 at 00:20 hours from Pawoti Bus Stand.

(iv) During investigation, a mobile phone of Vivo Company (model VE40, Colour Mint Green, IMEI Nos. 865260071663839 and 865260071663821), which was used in crime was also taken into custody which was provided by applicant's father and thereafter same was sent for forensic examination.

(v) The independent witnesses, namely, Rampal and Ajeet have also got their statements recorded wherein they have supported the prosecution case, stating inter-alia that from the act of the applicant, possibility of animosity among the people on the basis of religious feelings, etc. cannot be ruled out.

(vi) It is also pointed out that applicant is a man of criminal nature and apart from this case, applicant-Vasik Tyagi has a criminal history of following two cases :-

(a) Case Crime No. 461 of 2020, under Sections 3/25/27 Arms Act, Police Station Charthawal, District Muzaffarnagar.

(b) Case Crime No. 454 of 2025, under Sections 307 and 504 I.P.C., Police Station Charthawal, District Muzaffarnagar.

(vii) Lastly, it is submitted that insulting "National Flag" by any Indian citizen is a matter of serious concern, hence bail application of the applicant is liable to be rejected.

7-Here, it would be apposite to depict the impugned morphed photograph of Indian National Flag showing its insult and another post uploaded by the applicant through his above Facebook ID, which is a part of case diary:-

From your messages.



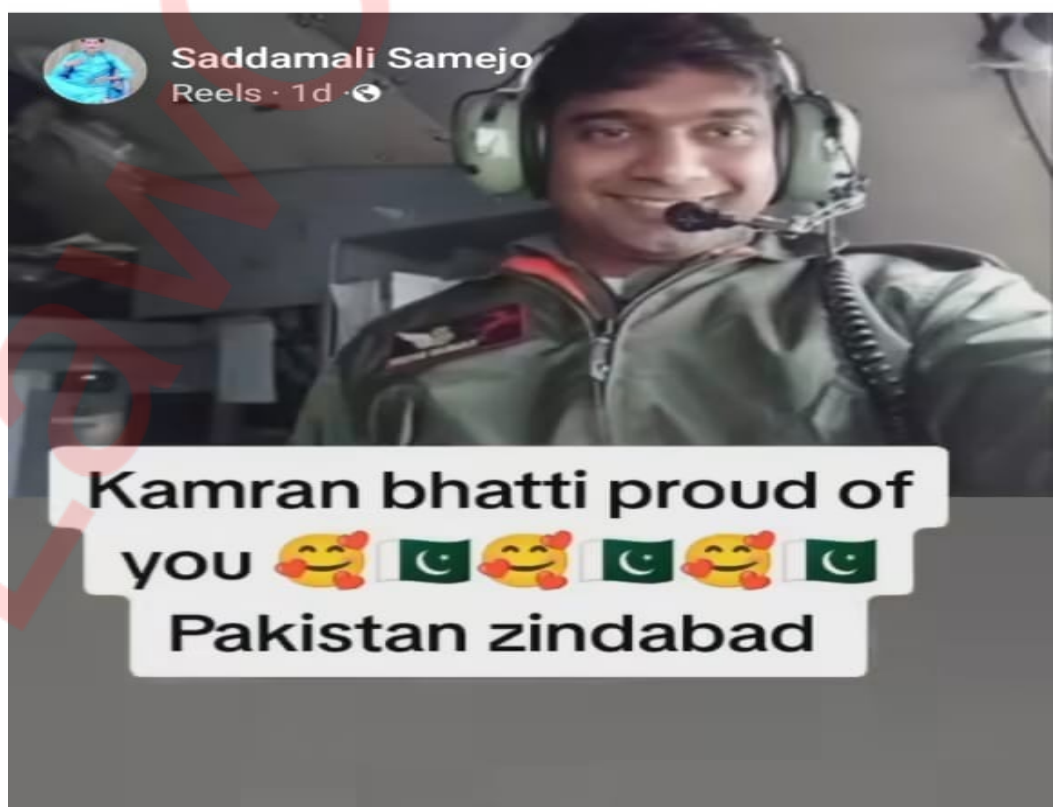
Wasik Taygi

27m · 🧑🏻



Wasik Taygi

46m · 🧑🏻



8-Having heard learned counsel for the parties and examined the matter in its entirety, I find that during investigation, it is established that the said social media post against India and in support of Pakistan, has been posted/uploaded by the applicant through his Facebook account, as noted above. Learned counsel for the applicant could not give satisfactory reply about posting/uploading the aforesaid posts. The comment made by applicant while insulting Indian National Flag that 'Ab to kutty b mot rahe h' is a matter of grave concern. Considering the materials available on record, it is apparent that the feelings of the applicant for this country i.e. India is not patriotic and prima-facie it appears that he had intentionally posted the said posts with a view to lower down the dignity of India. This Court is also of the view that the said posts uploaded by the applicant through his Facebook account are provocative, objectionable and capable of inciting communal disharmony and disturbing public peace and order. The said posts indicate inclination towards glorification of anti-national ideology, which cannot be ignored.

9-Here, it is relevant to mention that the Indian National Flag is symbol of pride and patriotism. It represents the hope and aspiration of the people of India. The top saffron colour indicates the strength and courage of the country. The white middle band indicates peace and truth with Dharma Chakra. The green shows the fertility, growth and auspiciousness of the land. Every Indian citizen must safeguard and protect the National Flag of its dignity and honour. The Indian National Flag should not be intentionally allowed to touch the ground or the floor. It should be revered and any comment or insult, is a punishable offence by law. Act of insulting the national honour by burn, mutilates, defiles, destroys, tramples upon is an offence. Any

person, who is directly or indirectly involved in maligning the image of our country (India) and National flag in any manner are hazardous for the society, hence such persons are not liable for any sympathetic consideration.

10-As a fall out and consequence of above discussions as well as considering the overall facts and circumstances of the case, keeping in view the submissions advanced on behalf of parties, nature of the posts allegedly posted / shared by the applicant on social media platform as noted above, gravity of offence and their potential impact on societal harmony, role assigned to applicant and severity of punishment, I do not find any good ground to release the applicant on bail.

11-Accordingly, the bail application of applicant is *rejected*.

(Sanjay Kumar Singh,J.)

September 8, 2025
Saurabh