



November 10, 2023

To,

Shri Varun Singla, IPS
Superintendent of Police, Nuh
Phone: 8930900220
Email: spmwt@hry.nic.in

Subject: Violation of post bail conditions by Bittu Bajrangi

Respected sir,

We at Citizens for Justice and Peace (CJP) Mumbai, a human rights movement dedicated to furthering the constitutional rights of all Indians, are writing this complaint to the Nuh police station to highlight the contentious acts being committed by Bittu Bajrangi in defiance of his bail conditions.

Sir, it has come to our notice that Bittu Bajrangi, who was granted bail on August 30, 2023 in relation to a recent case related to the communal violence that took place in Nuh, Haryana has been indulging in hate speech and moral policing in the past week. These incidents stand in violation of the conditions imposed on his bail by the Nuh Sessions Court which had asked Bittu Bajrangi **to stay away from making any public statements, particularly on social media. Notably, he had been released on bail after spending two weeks in jail.**

The incidents have been highlighted below:

1. Hate speech- calls for economic boycott of Muslims

Addressing a crowd on November 4, 2023 in Faridabad, Bajrangi gave a hate speech targeting the Muslim community. Through his speech, he asked for the Hindus to boycott Muslim sellers while buying anything for Diwali festivals. By creating the fear of Muslims using their earning to slaughter cows and harass Hindu women, the serial hate offender indulged in spreading anti-Muslim sentiments and raising calls for economic boycott of Muslims. Sir this speech is a clear violation of the Indian Penal Code (Sections 153a, 153b, 153c vis a vis hate speech, section 503 that defines criminal intimidation) among others mentioned in detail below, apart from the Indian Constitution that guarantees under Articles 14, 15, 19, 21 and 25, the right to equality before the law, a life without discrimination, right to life itself and the freedom to associate and perform

economic activity and business apart from the freedom of faith, belief and worship. Apart from violating bail conditions, these constitute fresh offences which need to be registered against an existing offender.

Speech:

“During the festival of Diwali, I would urge our sisters and brothers to not buy from demons. I want us to identify the sellers before buying so that we only buy from our Hindu brothers because if Muslims earn, they use that money to cut our holy cows, our mothers and our sisters.”

“In the regions that these people are present in less numbers, there they talk about brotherhood. But in the regions that they are present in majority, they subject our mothers and sisters to torture. You all remember what happened in Mewat. This is why I am requesting all my sisters and brothers to only buy Diwali material from their Hindu brothers. We are not concerned with anyone else.”

I also want to remind all my sisters and daughters that their brother Bittu Bajrangi will be available for them at all hours of the day. I want to dedicate my life to saving my daughters and sisters from these demons.”

The video can be viewed here:

<https://twitter.com/HateDetectors/status/1721107948150145257>

2. Moral policing- prohibiting an interfaith couple from getting married

In Faridabad, Haryana, as reported on social media on November 1, 2023, Bittu Bajrangi stopped an inter-faith couple from getting married. A video was uploaded on ‘X’ (formerly Twitter) showed Bajrangi donning a *saffron kurta* and circling a young couple with his mob of men. He can be heard saying that the family members had complained to him regarding the marriage and that is why he was taking action. He deemed the marriage between the two to be illegal and accused the man of being a father of four children. He also blamed the man of brain washing the girl. The video also shows the girl stating that she is 25-years-old. She can be clearly heard saying that she knows about the children and is willing to marry the man out of her own accord. Sir, this is pure intimidation and a violation of the Indian Constitution that assures under Article, 19, 21, 14 and 25, the inalienable right to every Indian, who has attained legal majority, to choose a life partner of her/his choosing regardless of faith, caste, class or gender. These guarantee every Indian the right to equality before the law, a life without discrimination, right to life itself and the freedom to associate and perform economic activity and business apart from the freedom of faith, belief and worship. Besides, this speech and these acts are a clear violation of the Indian Penal Code (Sections 153a, 153b, 153c vis a vis hate speech, section 503 that defines criminal intimidation, among others, mentioned in detail below). Apart from violating bail conditions, these constitute fresh offences which need to be registered against an existing offender.

The video can be viewed here:

<https://twitter.com/HindutvaWatchIn/status/1719557583147532566>

Bail conditions imposed on Bittu Bajrangi:

Bittu Bajrangi had been booked in connection with the communal violence that had taken place in Nuh district during a religious procession on July 31. Bajrangi, who had released a provocative video a day before the *Jal Abhishek Yatra* was taken out by Vishwa Hindu Parishad and Bajrang Dal, was arrested for allegedly brandishing weapons during the rally when violence erupted on July 31. The FIR against him had been filed under several sections of the Indian Penal Code - riots (Section 148), unlawful assembly (section 149), causing hurt (section 323), voluntarily causing hurt to deter public servant from his duty (section 332), assault or criminal force to deter public servant (section 353), obstructing a public servant from discharging duty (section (186) and criminal intimidation (Section 506) along with provisions of the Arms Act.

Sir, the said communal violence had resulted into targeting of Muslims in other districts of Haryana and Delhi-NCR. The anti-Muslim attacks had gone on for 4 days and had resulted in the death of six people and over 88 injured.

It was on August 15, 2023 that Bajrangi had been arrested by the police. The Hindutva activist was apprehended after a team of over 20 officers in civilian clothes, armed with *lathis*, chased Bajrangi from his home. He had attempted to flee but was nabbed by the team. As a consequence of his attempt to flee, Bajrangi was then booked for obstructing the police from performing duty, assaulting them and fleeing after snatching weapons seized by the police from the spot.

He was released on bail by additional district and sessions judge Sandeep Kumar on August 30. His bail conditions included obtaining prior permission from the superintendent of police to visit Nuh district and refraining from making public statements, especially on social media. Sir, as has been highlighted above, Bajrangi has on at least two occasions defied the conditions imposed on him and disobeyed the orders of the court. Since the incidents reported post bail are also communal in nature, it is crucial that strict action is taken.

Legal provisions for cancellation of bail

The legal provisions pertaining to cancellation of bail are mainly contained in Section 437 (5) and Section 439(2) Code of Criminal Procedure (CrPC).

Section 437(5) of the CrPC- Any Court which has released a person on bail under sub-section (1) or sub- section (2), may, if it considers it necessary so to do, direct that such person be arrested and commit him to custody.

Thus, the aforementioned provision empowers a Magistrate which has released a person on bail, if it considers it necessary so to do, direct that such person be re-arrested. It is when a court which released a person on bail finds it necessary because of some supervening circumstances, it can direct the person be arrested and commits him to custody under Section 437 (5) CrPC.

Section 439(2) of the CrPC- A High Court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody.

Thus, the aforementioned provision confers powers on the High Court and the Sessions Court to direct the re-arrest of the accused who have been released on bail by any court.

The cancellation of bail granted to a person can be done on the ground that the accused has violated some bail conditions subsequent to the granting of the bail. As provided above, the bail condition imposed on Bittu Bajrangi prohibited him from delivering any public statement and yet he delivered a hate speech targeting the Muslim community and raised calls for their economic boycott. It is essential to highlight here that the offences of hate speech and moral policing committed by Bittu Bajrangi are crimes in itself that is punishable under IPC by itself.

Indian Penal Code

The following offences under the IPC are applicable to the offences committed by Bittu Bajrangi:

153A. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

153B. Imputations, assertions prejudicial to national integration

268- Public Nuisance

298. Uttering words, etc., with deliberate intent to wound religious feelings

503- Criminal intimidation

505. Statements conducing to public mischief

505. (2) Statements creating or promoting enmity, hatred or ill-will between classes

Prayers

Through this complaint, we urge the Nuh police to:

1. Take fresh cognizance of the offences committed by Bittu Bajrangi post bail
2. To investigate the matter thoroughly, register FIRs against such blatant hate speech and incident of moral policing ensuring that all relevant sections of the Indian Criminal law are included in the said criminal complaint;



3. Approach the Nuh sessions court in regards to the offences highlighted and violation of bail condition and urge the court to cancel the bail granted to Bittu Bajrangi
4. Undertake any other action as the authorities may deem fit

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary