

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29908 of 2023

Applicant :- Fareed Mohammad And 2 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Kumar Yadav, Janardan Yadav, Shaheen Bano, Shah Nawaz Khan, Vinay Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicants as well as learned A.G.A. for the State-opposite party and perused the record.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicants on bail in Case Crime No. 221 of 2023, under Sections 295-A, 505(2) I.P.C. and 3, 5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Devgaon, District Azamgarh during the pendency of the trial.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the instant case. The applicants neither persuaded nor converted any individual to another faith. It is next submitted that co-accused, Mohd. Javed, Irfan Ahmad and Sabir Ali, having identical role, have been granted bail by this Court vide order dated 08.08.2023 passed in Criminal Misc. Bail Application No. 30685 of 2023. The applicants claim parity. The applicants are in jail since 25.05.2023 having no criminal history and if they are released on bail, they will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. After hearing the rival contentions, this Court is of the prima facie opinion that at this stage, there is no substantive evidence against the applicants. The co-accused, Mohd. Javed, Irfan Ahmad and Sabir Ali, having identical role, have been granted bail by this Court. Further, the applicant has no criminal antecedents and has remained confined for more than six months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the

fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicants- **Fareed Mohammad, Ramjan and Mohd. Savroj**, involved in the aforesaid case, be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that they:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 12.12.2023
Sachin Mishra