

Court No. - 85

Case :- CRIMINAL APPEAL No. - 7792 of 2023

Appellant :- Farhad Khan

Respondent :- State of U.P. and Another

Counsel for Appellant :- Om Narayan Pandey

Counsel for Respondent :- G.A.

Hon'ble Mayank Kumar Jain,J.

Heard Sri Om Narayan Pandey, learned counsel for the appellant, Sri P.K.Giri, learned AA.G appearing on behalf of the State of U.P. and perused the record.

This criminal appeal under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred by the appellants with the prayer to set aside the bail rejection order dated 18.07.2023 passed by learned Special Judge (SC/ST Act), Court No. 2, Shahjahanpur in bail application no. 2229 of 2023, arising out of Case Crime No. 360 of 2023, under Section 3/5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 and Section 3(2)5 of SC/ST Act, Police Station Roja, District Shahjahanpur.

As per the version of prosecution, the sister of informant was working in Shraf Eye Charitable Mohammadi (Sahdeva) and she was residing at Lodhipur as a tenant in the house of appellant. The appellant alongwith two other named co-accused established physical relation with her after changing their names and also made her obscene video. The sister of the informant became pregnant. Thereafter, they compelled her to convert her religion. The victim has also narrated about the same to her family members. On 27.05.2023, they tried to kill her sister by administering her some intoxicated substance. After admitting her at Medical College, Shajahanpur by the name of Joya Siddiqui, they tried to flew from there. Police as well as public persons tried to catch them but some how they managed to escape from there. Thereafter, sister of the informant died.

Learned counsel for the appellant has submitted that appellant is innocent and has been falsely implicated in this case. It is submitted that no motive has been attributed to the appellant in the incident, no video has been recovered as alleged by the

informant during investigation while charge sheet has been filed, all the allegations are made against co-accused Naved, no allegation of rape is alleged against the appellant. It is also submitted that appellant never compelled the sister of the informant to convert her religion. It is submitted that as per the statement of the doctor co-accused Naved brought sister of the informant alone to the hospital. Appellant is languishing in jail since 28.05.2023 having no criminal history. In case, the appellant is released on bail, he will not misuse the liberty of bail.

Per contra, learned A.G.A. has supported the order passed by the Sessions court and vehemently opposed the prayer for grant of bail to the appellant and submitted that appellant has criminal history of one case relating to the year 2022. Independent witness Triloknath, Suresh Chand, Gauri, Pankaj has given their statements that appellant is also involved in conversion of the religion of the sister of the informant. He accompanied with other accused Naved to particular place and made it convenient for the meeting of the sister of the informant with Maulvi. It is also submitted that bail of co-accused Mustaqeem Ali Khan alias Pappu has already been rejected by this Court vide order dated 28.07.2023 passed in Criminal Appeal No. 7157 of 2023.

Having regard to the facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the active participation of the appellant in the commission of crime, I do not find it fit case for bail.

Since the trial court has passed the impugned order after appreciating the evidence available on record, there is no occasion to interfere with the finding of fact recorded by the trial court, hence, the present criminal appeal lacks merit and deserves to be dismissed.

Accordingly, the criminal appeal is dismissed.

However, the trial court is directed to expedite the trial preferably within a period of six months from the date of receipt of certified copy of this order without granting any unnecessary adjournment to either of the parties subject to full co-operation by the appellant.

Order Date :- 30.10.2023

PS