

Court No. - 85

Case :- CRIMINAL APPEAL No. - 9829 of 2023

Appellant :- Khalid Chaudhary

Respondent :- State of U.P. and Another

Counsel for Appellant :- Dinesh Kumar Mishra

Counsel for Respondent :- G.A., Vivek Tripathi

Hon'ble Mayank Kumar Jain, J.

List revised.

No one appears for the opposite party no.2/informant even in the revised call.

Heard learned counsel for the appellant, learned Additional Government Advocate for 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 appellant with the prayer to set aside the bail rejection order dated 22.08.2023 passed by learned Special Judge (SC/ST Act)/Additional Sessions Judge, Ghaziabad in Bail Application No. 5833 of 2023, arising out of Case Crime No. 551 of 2023, under Sections 313 I.P.C. and Section 3 (2) (V) of SC/ST Act and Section 3, 5 (2) of U.P. Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Vijay Nagar, District Ghaziabad.

As per the version of prosecution, informant developed friendship with one Deepak through Facebook and started talking with her. After six months, she met with the appellant and came to know that he was a Muslim boy and his real name is Khalid Chaudhary. Appellant introduced himself as a reporter. He had shown her

some photographs and video and threatened her that he would circulate the same. On the pretext of that photographs and video, he established physical relation with her. She got pregnant. Thereafter, appellant started beating her and continued to establish forceful physical relation with her as a result of it her pregnancy was terminated. Thereafter, appellant compelled her to convert her religion and several times he had taken her to a Mosque. Appellant also compelled her to eat beef. The name of informant was converted as Aayat.

It is submitted by the learned counsel for the appellant that appellant is innocent and he has been falsely implicated in the present case. It is further submitted that opposite party no.2 on the basis of similar allegations lodged another F.I.R. bearing Case Crime No. 251 of 2023 in which the appellant has already been granted bail by the court concerned. It is also submitted that informant has also filed a complaint under the Domestic Violence Act against the appellant which is pending consideration. In the aforesaid complaint, the informant had admitted that on 03.09.2022 she got married with the appellant in Balaji Mandir at Indirapuram, Ghaziabad. Criminal history of the appellant has been explained in para-27 of the affidavit filed in support of the appeal. The appellant is languishing in jail since 23.07.2023 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the early disposal of the case.

Per contra, learned A.G.A. vehemently opposed the prayer for bail contending that allegations made against the appellant are very serious in nature. Victim during her statements recorded under Sections 161 and 164 Cr.P.C. consistently corroborated the version of F.I.R. and about the act committed by the appellant. It is further

submitted that charge sheet has been filed against the appellant in the present case. It is also submitted that charge sheet has also been filed in the matter pending against the appellant in New Delhi. Hence, the appeal is liable to be dismissed.

Having regard to the facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment,, 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**.

Order Date :- 1.12.2023

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