

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42167 of 2023

Applicant :- Ganga Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Kamlesh Kumar Dwivedi, Gaurav Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.351 of 2023, under Sections 354, 354Kha, 354Ga, 354Gha, 506 I.P.C. & Sections 3/5 U.P. Unlawful Conversion of Religion Act, Police Station Shahganj, District Agra.
3. According to the F.I.R. version, accused persons have pressurized the victim for conversion of her religion.
4. Learned counsel for the accused-applicant submitted that the applicant is innocent and he has been falsely implicated in the present case. He further submitted that though the victim has fairly contended that the accused applicant had pressurized the victim for conversion of her religion. He further submitted that initially the F.I.R. was lodged under Sections 7/8 POCSO Act but after applicant being found to be nineteen years old i.e. major girl, the said sections have been removed. He further submitted that the victim has refused for her internal or external medical examination. He next submitted that the applicant has no previous

criminal antecedents to his credit and he is languishing in jail since 0708.2023. There is no likelihood of his abscondence or tampering with the evidence, therefore, the accused-applicant may be enlarged on bail.

5. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

6. Considering the facts, circumstances and the submissions made above, this Court is of the view that the applicant has made out a fit case for grant of bail. Accordingly, the bail application is **allowed**.

7. Let the applicant - **Ganga Khan**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

(iv) shall appear before the concerned S.O./S.H.O. on every first day of the month but in case of any emergency, this restriction would be liable to be amended by the trial court.

8. 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 :- 28.10.2023

Zafar