

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51390 of 2023

Applicant :- Smt. Nirmala

Opposite Party :- State of U.P.

Counsel for Applicant :- Om Prakash Mishra, Ashok Kumar Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State-opposite party.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 515 of 2023, under Sections 295A, 147, 307, 504, 506, 120-B I.P.C. and 3, 5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Naini, District Allahabad during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. Vague and general allegations have been levelled against the applicant. The applicant neither persuaded nor converted any individual to another faith. It is next contended that identically placed co-accused Smt. Manorama has been granted bail by this Court in Criminal Misc. Bail Application No. 49453 of 2023, Smt. Manorama v. State of U.P., vide order dated 21.11.2023. The applicants claim parity. The applicant is in jail since 15.10.2023 having no criminal history and if she is released on bail, she 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. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that vague and general allegations have been levelled against the applicant. At present there is no substantive evidence against the applicant. Identically placed co-accused Smt. Manorama has been granted bail by this Court. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than one and half month

and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Smt. Nirmala, involved in the aforesaid case, be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that she:

- (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 :- 11.12.2023
SKT/-