

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53572 of 2023

Applicant :- Raghuveer Kumar And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Patsy David, Mary Puncha (Sheeb Jose), Mohd. Kalim

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard counsel for the applicants, Sri P.K. Giri, learned Additional Advocate General for the State and perused the record.

2. The instant bail application, under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicants on bail in Case Crime No. 294 of 2023, under Section 3, 5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, Police Station- Kaptan Ganj, District- Azamgarh, during pendency of the trial.

3. Counsel for the applicants submits that applicants have been falsely implicated in the instant case. The applicants neither persuaded nor converted any individual to another faith. There is no independent witness to the alleged incident. At present, there is no cogent evidence to link the applicants with the offence. The applicants are in jail since 9.11.2023 having no criminal history and in case they are enlarged 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. Having heard counsel for the parties and having perused the record, this Court prima facie finds that there is no independent witness to the alleged incident. At present there is no substantive evidence against the applicant. The applicants have no criminal antecedents. Further the applicants have remained confined for more than one month and 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 applicants, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.

6. Let the applicants- **Raghuveer Kumar** and **Suraj Kumar** involved in the aforesaid case be released on bail on their furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicants shall not temper with the prosecution evidence;
- ii. the applicants shall not pressurize the prosecution witness;
- iii. the applicants shall appear on each and every date fixed by trial court.

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 :- 14.12.2023
S.S.