

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11972 of 2023

Applicant :- Ramzan Alias Mohammad Ahmad

Opposite Party :- State Of U.P. Thru. Prin. Secy. Ministry Of Home Affairs, Govt. U.P. Lucknow And Another

Counsel for Applicant :- Sameer Singh, Sakshi Singh, Yogesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Counter affidavit filed by the State and rejoinder affidavit filed by the applicant, both are taken on record.
2. Heard learned counsel for the accused/applicant as well as learned A.G.A. for the State and perused the record.
3. This bail application has been moved by the accused/applicant- **Ramzan Alias Mohammad Ahmad** for grant of bail, in Case Crime No. 0252 / 2023, under Sections 323, 376, 506 and 427 IPC and 3 & 5 of U.P. Prohibition Unlawful Conversion of Religion Act, 2021, Police Station Ghazipur, District Lucknow, during trial.
4. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. The FIR of this case has been lodged by the victim herself on 21.6.2023 at Police Station Ghazipur, District Lucknow (North) alleging therein that the applicant was earlier not known to the prosecutrix/ victim, however, he had told his name as Rahul and had enticed away the prosecutrix by extending false promise of marriage and had persuaded her to leave her home and they started living at a house in Munshi Puliya, Indira Nagar, Lucknow and also cohabited, however, some days thereafter the applicant started assaulting her under the influence of alcohol and in April, 2023 he informed that he is already married and he is of other religion and also pressurized her to convert her religion and also had taken from her Rs. 20,000/-. The

allegations as stated in the First Information Report has been reiterated by the victim/ prosecutrix in her statement recorded under Sections 161 and 164 Cr.P.C.

5. Highlighting the above facts, it is vehemently submitted that the applicant and the prosecutrix/ victim were having a long standing relationship and they were cohabiting frequently and there was no element of false promise of marriage and the same has been carved out subsequently when their relations became strained. In order to substantiate this submission, learned counsel for the applicant has drawn the attention of this Court towards a screenshot of facebook account of the prosecutrix wherein the name of the prosecutrix has been shown along with the name of the applicant (Ramzan Baba) and it is vehemently submitted that the prosecutrix was in the knowledge of the fact that the applicant is professing another religion and their marriage is not possible. Reliance in this regard has been placed on ***Shambhu Kharwar vs. State of Uttar Pradesh*** reported in ***MANU/SC/1011/2022 : AIR 2022 SC 3901*** and ***Naim Ahamed vs. State (NCT of Delhi)*** reported in ***MANU/SC/0080/2023 : 2023 CriLJ 2785*** and it is further submitted that the year of birth of the prosecutrix in the First Information Report has been shown as 1999 and in her statement recorded under Section 164 Cr.P.C. she stated her age to be of 26 years. Thus, the prosecutrix/ victim was major at the date and time of the incident and since she has cohabited with the applicant with her consent no offence infact has been committed by the applicant.

6. It is further submitted that the applicant is in jail in this case since 23.6.2023 and he is not having any criminal antecedent. Charge sheet in this case has already been submitted and there is no apprehension that the accused-applicant after release on bail, may flee from the process of law or may otherwise misuse the liberty.

7. Learned A.G.A. on the other hand submits that the applicant is accused of committing a heinous offence and has exploited the prosecutrix sexually by concealing his religion, therefore he is not entitled to be released on bail.

8. Having heard learned counsel for the parties and having perused the record, it is reflected that the age of the victim/ prosecutrix at the date and time of the incident was 26 years as

stated by her in her statement recorded under Section 164 Cr.P.C. and she refused to undergo any internal medical examination. Various submissions have been raised by learned counsel for the applicant in order to show that the prosecutrix and the applicant are/ were major at the date and time of the incident and they were frequently cohabiting and there was no element of false promise of marriage. It is also submitted, relying on the law laid down by the Hon'ble Supreme Court in ***Shambhu Kharwar and Naim Ahamed (supra)***, that there was no reason available to the prosecutrix to believe or act upon on any promise (which is not admitted to the applicant) to marry as admittedly they belong to different religions. The applicant is in jail in this case since 23.06.2023 and charge sheet in this case has already been submitted. He is not having any criminal history. His presence may be secured before the trial court by placing adequate conditions.

9. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits and demerits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is **allowed**.

10. Let the applicant- **Ramzan Alias Mohammad Ahmad** involved in the aforesaid case be released on bail on furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are

accepted.

13. Observations made herein-above are only for the purpose of disposal of bail application and the same shall not have any bearing on the trial of the case.

Order Date :- 27.10.2023

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