

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12038 of 2023

Applicant :- Roshan Ali

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Raghunath Prasad

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Raghunath Prasad, the learned counsel for the applicant as well as Smt. Parul Kant, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 349 of 2023, under Section 3/5(1) U.P. Unlawful Conversion of Religion Act, 2021, registered at Police Station Sursa, District Hardoi.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 10.07.2023 against the applicant and some other persons, alleging that the applicant had enticed away the informant's daughter and taken her to Mumbai on 18.06.2023. The informant called them back on the assurance of getting them married and he got them married in a temple on 21.06.2023. Thereafter, some persons belonging to Bajrang Dal told the informant through the applicant's phone that her daughter's religion has been converted forcibly on 05.07.2023.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
5. The learned counsel for the applicant has submitted that when the applicant himself has converted his religion to Hinduism and a certificate in this regard issued by the Arya

Samaj Mandir has been annexed with the affidavit filed in support of the bail application. There was no occasion for the applicant to commit the alleged offence.

6. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has no criminal history and he is languishing in jail since 12.07.2023 and without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

8. Accordingly, this bail application stands **allowed**.

9. Let the applicant- **Roshan Ali** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions: -

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 10.10.2023

Preeti.