

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12229 of 2023

Applicant :- Salman

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

Counsel for Applicant :- Bhagwati Prasad Nigam, Anurag Shukla

Counsel for Opposite Party :- G.A., Vijay Kumar

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Bhagwati Prasad Nigam, learned counsel for the applicant, Sri Triveni Prasad, learned A.G.A. for the State and Sri Vijay Kumar, learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.417 of 2023, under Sections 354(gha). 509 I.P.C. and 3, 5(1) Uttar Pradesh Prohibition of Unlawful Conversion of Religious Ordinance 2020, registered at Police Station Pihani, District Hardoi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.07.2023 alleging that the applicant was brain washing informant's 20 years old daughter for converting her religion even after the informant had got married to some other person on 05.05.2023.

4. In the statement of the victim recorded under Section 164 Cr.P.C., she stated that she lives the applicant for the past 8 years; her parents got her marriage to some other persons against her wishes; she returned from her husband's home on the following day and went with the applicant out of her own free will. She stated that she has converted her religion out of her own free will.

5. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case. Applicant's involvement in one case being Case Crime

No.297 of 2020 under Sections 323, 504, 506, 324 IPC, Police Station Pihani, District Hardoi has been disclosed in para 20 of the affidavit.

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

7. In view of the aforesaid statement of the victim recorded before the Magistrate, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

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

9. Let the **applicant-Salman** be released on bail in Case Crime No.417 of 2023, under Sections 354(gha). 509 I.P.C. and 3, 5(1) Uttar Pradesh Prohibition of Unlawful Conversion of Religious Ordinance 2020, registered at Police Station Pihani, District Hardoi on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to 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 :- 13.10.2023
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