HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7840 of 2026

Mohammad Navi @ Mohammad Nabi @ Lalu

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Ram Bachan Yadav, Ram Sakal Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Ram Bachan Yadav, learned counsel for the appellant, Sri V.D. Ojha, learned counsel for the State and perused the record.

3. Notice was issued to the opposite party no. 2 vide order dated 10.8.2026. Office vide its report dated 22.9.2026 has reported that notice has been served personally on the opposite party no. 2. A report dated 15.09.2026 of the C.J.M., Siddharthnagar to the said effect has been place on record which is Flag-A to the records. Along with the said report, a report of concerned police station with signature as proof of receipt is also enclosed which has been perused. An affidavit of compliance dated 29.8.2026 of the State is on record, in which in para-4 it is averred that notice has been served on the opposite party no. 2. Proof of service is annexed as Annexure No.A-1 to the same. Despite service of notice twice neither the first informant/opposite party no. 2 is present before the Court nor there is any representation on her behalf even in the revised call. Thus the Court proceeds to hear the matter.

4. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant- Mohammad Navi@Mohammad Nabi@Lalu, with the following prayers:-

"It is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to set-aside order dated 20.07.2026 passed by Learned Additional sessions

Judge/Special Judge SC/ST Act, Siddhrath Nagar arising out of bail Case Crime No. 43 of 2026, under Section 87, 64(1), 351(3) B.N.S.. & section 3(2)(v) SC/ST Act, and section 3, 5(3) U.P. Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station - Chilhia District- Siddharth, to the satisfaction of Learned court below.

It is further prayed that this Hon'ble Court may kindly be pleased to release the appellant on bail in the aforesaid case after considering the bail application, during the pendency of the present appeal before this Hon'ble Court.

And/or pass such other and further order which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise the appellant shall suffer irreparable loss and injury."

5. The FIR of the matter was lodged on 12.05.2026 by the victim/opposite party no. 2 against the appellant alleging therein that she used to talk to the appellant on mobile. On 23.4.2026 at about 3.00 p.m. he called her to Chilhiya Crossing from where he took her to Naugarh on a tempo. In the night he took her to a lonely place where he forcibly committed rape upon her and states of not to telling about it to anyone, he would give money to her but she may convert herself to another religion. When she refused to convert herself to another religion, he assaulted her and threatened her of life. She is aged about 21 years. He left her at Naugarh Station and ran away. A report be lodged and action be taken.

6. Learned counsel for the appellant submitted that the appellant has been falsely implicated in the present case. It is submitted that the victim is a major girl aged about 21 years. It is submitted that the victim went to the said crossing on her own sweet will and went on a tempo with the appellant to Naugarh without any objection or resistance. She then stayed with the appellant till night without any resistance. It is submitted that subsequently the present F.I.R. has been lodged with false and concocted allegations. It is submitted that the allegation regarding the appellant insisting her to convert herself to another religion is false. It is submitted that the present case is a case of consent, para-14 of the affidavit has been placed before the Court for the same. The appellant is having no criminal history as stated in para-21 of the affidavit and is in jail since 09.6.2026.

7. Per contra, learned counsel for the State opposed the appeal and prayer for bail.

8. After having heard learned counsels for the parties and perusing the records, it is evident that the victim is a major girl aged about 21 years. She went with the appellant on her own sweet will to Naugarh and stayed with him till night without any objection or resistance. Subsequently the present F.I.R. has been lodged. The case appears to be a case of consent.

9. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the appellant may be enlarged on bail.

10. Let the appellant- Mohammad Navi @ Mohammad Nabi @ Lalu, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

i) The appellant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The appellant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The appellant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The appellant will not misuse the liberty of bail in any manner whatsoever. In case, the appellant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 84 BNSS/82 Cr.P.C., may be issued and if appellant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under section 209 BNS/174-A I.P.C.

(v) The appellant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 251 BNSS/313 Cr.P.C. If in the opinion of the trial court absence of the appellant is deliberate or without sufficient

cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 BNS/229-A IPC.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the appellant.

11. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the appellant to prison.

12. Accordingly, the appeal succeeds and the same stands **allowed**.

13. The impugned order dated 20.07.2026 passed by Learned Additional sessions Judge/Special Judge SC/ST Act, Siddhrath Nagar is hereby set aside.

14. Pending application, if any, stands disposed of.

October 29, 2026
Naresh

(Samit Gopal,J.)

Digitally signed by :-
NARESH KUMAR
High Court of Judicature at Allahabad