2026:AHC:211486

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29173 of 2026

Mahammad Ali @ Mohammad Ali

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Manish Kumar, Sanjeev Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-opposite party.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 131 of 2026, under Sections 87, 351(3), 64(1) B.N.S. and 3/5(1) Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Pawai, District Azamgarh during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. The name of the applicant surfaced during the course of investigation. The victim in her statements recorded under Sections 180 and 183 B.N.S.S. stated that she voluntarily left her house and went to Mau, from Mau she accompanied the applicant to Bareilly, thereafter to Hyderabad. She further stated that after converting her religion, she solemnized Nikah with the applicant. There is no allegation of any forceful assault against the applicant. It is contended that the applicant did not persuade the victim to convert to another faith. Further, she was present at public places but she did not raise any protest or alarm. Such conduct of the victim shows that she was a consenting party. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 17.06.2026 having no criminal history and if he is released on bail, he 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 learned counsel for the parties and after perusal of the record, this Court prima facie finds that the applicant was not named in the first information report. The name of the applicant surfaced during the course of investigation. The victim in her statements recorded under Sections 180 and 183 B.N.S.S. stated that she voluntarily left her house and went to Mau, from Mau she accompanied the applicant to Bareilly, thereafter to Hyderabad. She further stated that after converting her religion she solemnized Nikah with the applicant. There is no allegation of any forceful assault against the applicant. She was present at public places but she did not raise any protest or alarm. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than three months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Mohammad Ali, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

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.

October 8, 2026
SKT/-

(Vivek Varma,J.)

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad