HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 11116 of 2026

Najeebunnisha

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohammad Zafar Yab Khan, Shahroze Khan
Counsel for Opposite Party(s)	:	Deepak Tiwari, G.A., Kamlesh Kumar Tiwari, Swati Tiwari

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Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Learned counsel for the applicant; Learned A.G.A. for the State; and Sri Kamlesh Kumar Tiwari, Learned counsel appearing for the informant.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.130 of 2026, under Sections 3/5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station – Itwa, District Siddharth Nagar, with a prayer to enlarge her on anticipatory bail, as the applicant apprehends her arrest in the aforesaid case.

3. The Learned counsel for the applicant has contended that the applicant is not named in the First Information Report (FIR). She is the mother of the co-accused Sahil alias Suhail. The FIR only speaks of molestation by the son of the applicant with the victim, who claims to be 19 years of age but later, in her statement under Section 183 BNSS, allegations of rape have been levelled against the co-accused Sahil alias Suhail, who has been granted regular bail by this Court in Criminal Misc. Bail Application No.28695 of 2026, and allegations of trying to convert the victim to another religion have been made against the applicant. Learned counsel has further submitted that the applicant has no criminal antecedents and being a lady, she may be considered for grant of anticipatory bail.

4. Learned counsel for the informant has opposed the prayer for grant of

anticipatory bail and has contended that the victim, as per her class 5th certificate, is a minor aged about 17 years. She has been sexually assaulted and raped by the son of the applicant. The applicant also was inducing the victim to convert her religion by claiming to be rich.

5. I have considered the submissions made by the Learned counsel for the parties.

6. The applicant is not named in the FIR. The FIR has been lodged by the victim herself, who claims to be major at the time of lodging of the FIR. Only allegations of sexual harassment have been made in the FIR. During investigation, when the statement of the victim was recorded under Section 183 BNSS, allegations of rape have been made and allegations against the applicant, who is the mother of the co-accused of trying to convert the victim to another religion, have been levelled with the victim further claiming to be a minor. In the prima facie opinion of the Court, the contradiction between the version of the FIR and the statement under Section 183 BNSS of the victim, casts a suspicion on the prosecution version. The improvements made in the statement under Section 183 of the BNSS, in the opinion of the Court, may be for the purposes of increasing the gravity of the offence and falsely implicating the applicant. Applicant has no criminal antecedents. The co-accused Sahil alias Sohail has already been granted bail by this Court. The case of the applicant stands on a better footing.

7. Taking into consideration the entire facts and circumstances of the case, as discussed above, I deem it appropriate to enlarge the applicant on anticipatory bail.

8. The anticipatory bail application of the applicant is **allowed**.

9. In the event of the arrest of the applicant- **Najeebunnisha,** involved in the aforesaid case crime, she shall be released on anticipatory bail, on her furnishing a personal bond and surety in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned, with the following conditions:-

i. The applicant shall make herself available for interrogation by a police officer as and when required;

ii. The applicant shall not, directly or indirectly make any inducement,

threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

iii. The applicant shall not leave India without the previous permission of the Court;

iv. The applicant shall not pressurize/intimidate the prosecution witness;

10. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

11. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

October 24, 2026
Kushal

Digitally signed by :-
KUSHAL AGRAWAL
High Court of Judicature at Allahabad