

Court No. - 47

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 23338 of 2024

Applicant :- Akram Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Shiv Babu Dubey, Vikas Kumar Chaubey

Counsel for Opposite Party :- G.A., Yadvendra Yadav

Hon'ble Siddharth, J.

Heard learned counsel for the applicant; Sri Yadvendra Yadav, learned counsel for the informant; learned AGA for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicant, **Akram Khan**, with a prayer to release him on bail in **Case Crime No. 18 of 2024, under Sections 363, 366, 506 IPC and 3/5 U.P. Prohibition of Unlawful Conversation of Religion Act, Police Station Kotwali Katra, District- Mirzapur**, during pendency of trial.

There are allegations against the applicant of committing the offence of trying to make unlawful conversion of religion after abducting the minor daughter of the informant.

Learned counsel for the applicant has submitted that the applicant is in jail since 6.2.2024. The applicant has been falsely implicated in this case. He has no criminal history to his credit. No conversion took place at all.

Learned A.G.A. and learned counsel for the informant have vehemently opposed the prayer for bail of the applicant.

Considering the rival submissions and totality of facts & circumstances of the case, **applicant is directed to be enlarged on interim bail for a period of three months.**

Having considered the submissions of the parties noted above, finding force in the submissions made by the learned counsel for the applicant; keeping in view uncertainty regarding conclusion of trial; one sided investigation by police, ignoring the case of accused side; applicant being under-trial having fundamental right to speedy; larger mandate of the Article 21 of the Constitution of India, considering the dictum of Apex Court in the case of **Satendra Kumar Antil Vs. C.B.I. & Another, passed in S.L.P.(Crl.) No. 5191 of 2021, judgement dated 11.7.2022** and considering 5-6 times overcrowding in jails over and above their capacity by under trials and without expressing any opinion on the merits of the case, **let the applicant involved in the aforesaid crime be released on interim bail till the next date of listing** on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates 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.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.

(iv) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicants fail 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 174-A of the Indian Penal Code.

(v) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant 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.

In case, of breach of any of the above conditions, it shall be a ground for cancellation of interim bail.

Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Concerned police is directed to watch the conduct of the applicant. In case he involves himself in such cases further, police will inform the Court by way of an affidavit on the next date of listing.

List this case on 7.7.2025.

Order Date :- 9.4.2025
Ruchi Agrahari