

Reserved on 24.07.2024

Delivered on 26.07.2024

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. -
10142 of 2024

Applicant :- Aftab

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Singh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rohit Ranjan Agarwal,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material placed on record.
2. By means of the present bail application, the applicant seeks bail in Case Crime No. 02 of 2024, under Section 366 I.P.C. and 3/5 Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 (*hereinafter called as "Act of 2021"*), Police Station-Wavecity, District- Ghaziabad, during the pendency of trial.
3. It is contended by learned counsel for the applicant that the applicant has been falsely implicated in the present case. According to him, the applicant does not have any criminal history. The victim had, on her own, gone with the applicant. It is further contended that the victim in her statement recorded under Section 161 Cr.P.C. had stated that she had not gone with the applicant nor she stayed with him. It is further contended that the applicant himself had converted into 'Hindu' religion and reliance has been placed upon Annexure-6, which is conversion certificate issued by Arya Samaj Vedic Sanskar Trust.
4. Sri Sunil Kumar, learned A.G.A. while opposing the bail application submitted that the girl had deposed under Section 164

Cr.P.C. that the applicant had forcibly taken her to Bihar where she was forced to accept 'Islam'. Thereafter, she had come to Delhi from where the police had brought her.

5. I have heard the respective counsel and perused the material on record.

6. It is a case where the girl in her statement recorded under Section 164 Cr.P.C. had stated categorically that the applicant with the support of his family had got her to accept "Islam". She was forcefully taken to Bihar. Reliance placed upon conversion certificate by the applicant issued by the Arya Samaj is of no use as first information report has been lodged under Section 366 IPC and 3/5 of Act of 2021.

7. Section 8 of Act of 2021 requires that anyone who desires to convert his/her religion, shall give a declaration in the form prescribed in Schedule-I at least sixty days in advance, to the District Magistrate or the Additional District Magistrate specially authorized by the District Magistrate, that he wishes to convert his/her religion on his/her own and with his/her free consent. In the instant case, no such application has been moved by the applicant and the certificate relied upon is issued by one Arya Samaj Vedic Sanskar Trust. Moreover, the victim in her statement recorded under Section 164 Cr.P.C. had categorically stated that she was forced to accept "Islam".

8. Section 3 of Act of 2021 provides for prohibition of conversion from one religion to another by misrepresentation, force, undue influence, coercion and allurement. Section 5 provides for punishment for contravention of provisions of Section 3 of the Act of 2021.

9. As it is evident from the statement of the victim recorded under Section 164 Cr.P.C. that she was coerced to accept "Islam", the provisions of Act of 2021 is attracted. Prima facie offence under the Act of 2021 is made out.

10. No case for bail is made out. The bail application stands **rejected**.

Order Date :- 26.7.2024

Kushal