

**Court No. - 83**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 50062 of 2023

**Applicant :-** Suresh Chandra @ Sonu Paster

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Vijay Bahadur Shivhare

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mrs. Renu Agarwal,J.**

1. Heard learned counsel for the applicant, Mr. Sunil Kumar, learned AGA holding brief of Mr. P.K. Giri, learned AAG and perused the entire material brought on record.

2. The present First bail application under Section 439 Cr.P.C. has been filed on behalf of the applicant in Case Crime No. 201 of 2023 under Sections 3/5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 Police Station-Kotwali Maudaha, District-Hamirpur with the prayer to enlarge him on bail.

3. Learned counsel for the accused-applicant submitted that the applicant is innocent and has been falsely implicated in the instant case due to malafide intentions. Complainant-Ramkali is the sister of victim-Ramfal who was mentally challenged. Allegations levelled as per the F.I.R. is that Kailash took victim to Delhi on 24.12.2022 on the pretext of treatment of victim. Complainant was dropped at Samerpur on 26.12.2022 with an assurance that her brother will be cured within a week and then Kailash would brought him back to village of complainant. When the victim did not return after a week, complainant asked

Kailash that his brother has not returned, however, she did not get any satisfactory reply. When the victim did not return for more than a month, F.I.R. was lodged by the complainant. Learned counsel submitted that in her statement recorded under Section 161 Cr.P.C., first informant reiterated the allegations made in F.I.R. but the witnesses Rajendra Singh and Lallu did not support prosecution version during their statement recorded under Section 161 Cr.P.C. It is submitted that the applicant is not named in the F.I.R. and his name surfaced on the basis of confessional statement of co-accused Shree Ram and his elder brother Kailash. First informant Ramkali borrowed Rs. 20,000/- advance from the sister of applicant because her house was under construction and when the applicant made pressure upon Kailash in returning money then he disclosed the name of applicant in his statement. It is also submitted that applicant is technical operator in the company and he has no criminal antecedents. It is further submitted that no case under Section 365 I.P.C. was found against the applicant during investigation and report of I.O. has been submitted in this regard. It is also submitted that only allegation against applicant is under Section 3/5 (1) of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 which is covered by judgment passed by Apex Court in case of **Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022 SCC OnLine SC 825**. It is lastly submitted that co-accused Shree Ram has been enlarged on bail by this Court vide order dated 18.10.2023 and if he is granted bail, he shall not misuse the liberty and shall appear before the Court whenever called by the Court.

4. Learned counsel for the informant submitted that abductee Ramfal was mentally sick and co-accused Kailas and Shree Ram abducted his brother. It is further submitted that victim has not yet returned so far, even his dead body is not found anywhere. The applicant is part of gang who convert the innocent persons into Christian Religion. The informant sent her brother only on the assurance of Kailsah but he never returned, if bail is granted to the applicant he may repeat the crime.

5. Learned AGA for the State also submitted that the name of present applicant came into the light during investigation in the statement of co-accused Kailash and Shree Ram. Applicant had accepted Christianity and was asked to spread the religion and join other people into Christianity and he started organizing prayer, meeting and healing programmes. On the instigation of the present applicant, only Ramfal was brought to Delhi and now he is missing and he could not return despite of all endeavors by the I.O.

6. Considering the fact that the applicant is not named in F.I.R., and his name came into the light on the basis of confessional statement of co-accused Shree Ram and Kailash. Co-accused Sri Ram has already been granted bail, however, the brother of informant Ramfal is still missing but no evidence is collected during investigation that he was abducted by accused applicant. He was sent to Delhi with the consent of informant. I.O. did not found any evidence to implicate the accused under Section 395 I.P.C.. Applicant is found involved only in the crime under Section 3/5(1) of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021. Applicant has no criminal antecedent to his credit apart from this case and he is

linguishing in jail since 16.10.2023 and without expressing any opinion on the merits of the present applicant is entitled to be released on bail.

7. Let applicant **Suresh Chandra @ Sonu Paster** be released on bail in the above case crime number and on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) 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.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

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

(iv) 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.

(v) The applicant shall also furnish an undertaking from the sureties that the properties (movable/immovable) which are the basis of accepting the surety, shall not be disposed of by them till the conclusion of trial.

(vi) The applicant shall also give an undertaking to the effect that he will not change his address without prior intimation to the trial court concerned.

**(Renu Agarwal,J.)**

**Order Date :- 22.4.2024**

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