

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13628 of 2024

Applicant :- Maulvi Syed Shad Kazmi @ Mohd Shad

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri S.S.Tripathi, learned Advocate, holding brief of Sri Rakesh Kumar Mishra, learned counsel for the applicant and Dr. S.B.Maurya, learned AGA-I, for the State.

2. The instant bail application has been moved on behalf of the applicant with the prayer to release him on bail in Case Crime No.74 of 2024, under Sections 504 and 506 IPC and Section 3/5(1) Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Naubasta, District Kanpur Nagar during pendency of the trial.

3. FIR of the present case was lodged against the applicant and according to the FIR, applicant is the Maulvi in a Mosque and he after enticing the mentally retarded minor son of the informant forcibly kept him in a 'Madarsa' after changing his religion.

4. Learned counsel for the applicant submits that on the basis of false allegation applicant has been made accused in the present matter and actually son of the informant was mentally retarded and he used to wander here and there and very often he visited the 'Madarsa' and stayed there and applicant neither changed his religion nor compelled him to change his religion.

5. He further submits that applicant is not having previous any criminal history and in the present matter he is in Jail since

18.2.2024.

6. Per contra, learned AGA opposed the prayer for bail and submits that applicant is Maulvi in the Mosque and he not only allured the mentally retarded son of the informant, who was minor to change his religion but he after enticing him kept him in a 'Madarsa' and thereafter forcibly changed his religion and this fact is evident from the statement of the victim recorded under Section 161 Cr.P.C. which has been annexed along with the counter affidavit filed by the State.

7. Learned AGA further submits that even during investigation on the pointing out of victim cloths of victim belonged to the Muslim Community was also recovered from the Mosque.

8. I have heard learned counsel for the parties and perused the record of the case.

9. Considering the fact that applicant is the Maulvi in the Mosque and there is specific allegation that he forcibly changed the religion of mentally retarded minor son of the informant and son of the informant also stated against him in his statement recorded under Section 161 Cr.P.C. and applicant is in jail only since February, 2024, I am not inclined to release the applicant on bail at this stage.

10. Accordingly, the instant bail application is **rejected** at this stage.

11. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 15.5.2024

SKM

