

Court No. - 84

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 57506 of 2022

Applicant :- Vijay Masih (Pastor)

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Kalim, Mary Puncha (Sheeb Jose)

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

Counter affidavit filed on behalf of the State is taken on record.

Heard Mrs. Mary Puncha (Sheeb Jose), learned counsel for the applicant and Sri Ravi Kant Kushwaha, learned AGA for the State-respondent.

The instant application has been filed seeking release of the applicant on bail in Case Crime No. 224 of 2022, under Sections 153A, 506, 420, 467, 468, 471 IPC and under Section 3/5(1) of U.P. Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station- Kotwali, District Fatehpur, during pendency of the trial in the court below.

The F.I.R. of the present case was lodged against as many as 36 persons and 20 unknown persons including the present applicant and according to the allegation applicant along with other co-accused persons were making the religious conversion of 90 Hindu.

Learned counsel for the applicant submits that only on the basis of general allegations applicant has been made accused in the present matter along with 35 others and except the bald allegations there is no evidence on record on the basis of which it could be reflected that applicant indulged in such activities. He further submits that out of 35 accused persons 6 accused persons have already been released on bail. He placed bail order of Vijay Singh, Vikram Singh, Prince and further submits that co-accused Vijay Singh was the first accused who was released on bail in the present matter and his bail order has been annexed as Annexure No.5 and therefore on the ground of parity applicant is also entitled to be enlarged on bail. He Further submits that the applicant is not having any criminal history and in the present matter he is in jail since 30.10.2022.

Per contra, learned AGA although opposed the prayer for bail but could not dispute the fact that as many as 6 accused persons

who were also named in the F.I.R. have already been released on bail by this Court.

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

Although there is allegations against the applicant that he along with 35 other involved in religious conversion of 90 Hindus but from the record it appears that on the basis of general allegations he was made accused in the present matter along with 35 named persons and out of 35 person 6 persons have already been released on bail. The co-accused Vijay Singh was released on bail on 19.12.2022 in Criminal Misc. Bail Application No. 55653 of 2022, co-accused Vikram Singh was released on bail on 11.01.2022 in Criminal Misc. Bail Application No. 58018 of 2022, co-accused Prince was released on bail on 10.01.2023 in Criminal Misc. Bail Application No. 55887 of 2022 and co-accused Vinay Kumar was released on bail on 28.11.2022 in Criminal Misc. Bail Application No. 53752 of 2022, therefore, considering the fact that similarly placed other accused persons have already been released on bail, in my view the applicant are entitled to be released on bail on the ground of parity.

The instant bail application is allowed.

Let the applicant- **Vijay Masih (Pastor)** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

Order Date :- 16.1.2023
Krishna*