



2026:AHC-LKO:40947

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**CRIMINAL MISC. BAIL APPLICATION No. - 3945 of 2026**

Afsar Ali @ Sauva

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko

.....Opposite  
Party(s)

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| Counsel for Applicant(s)      | : | Prashant Srivastava |
| Counsel for Opposite Party(s) | : | G.A.                |

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**Court No. - 11**

**HON'BLE RAJEEV SINGH, J.**

1. Supplementary affidavit filed today by learned counsel for the applicant is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
3. The present bail application has been filed by the applicant in the Case Crime No. 734 of 2025, under Sections 87, 137(2), 3(5) BNS and 3/5(3) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Kotwali City, District Hardoi with the prayer to enlarge him on bail.
4. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case. It is further submitted that the applicant and the complainant are residing in the same locality and are next-door neighbours. He further submits that the applicant is a school bus driver and is having seven children, consisting, four sons and three daughters. It is also submitted that the complainant is a vegetable vendor.
5. Learned counsel next submits that earlier also, due to some dispute between the two families, a quarrel had taken place, which was amicably resolved with the intervention of the neighbours. Thereafter, again a dispute arose and only with the intention to harass the applicant and his family members, the present F.I.R. has been lodged on concocted facts.

6. It is further submitted that as per the F.I.R., the allegation is that the applicant, his wife and his daughter enticed the daughter of the informant and brought her to the railway station. However, the daughter of the informant found their conduct suspicious and somehow managed to escape and returned home, whereafter the F.I.R. was lodged on 07.10.2025, i.e., after two days of the alleged incident dated 05.10.2025.

7. Learned counsel further submits that thereafter the statement of the informant under Section 180 B.N.S.S. was recorded wherein an altogether different version was introduced by alleging that the daughter of the informant had been lured on the pretext of providing employment and, after reaching the railway station, she was compelled to wear a Yashmak (Burka). It was further alleged that she was confined in a room for about two to three hours, from where she somehow escaped and returned home and narrated the incident to the complainant.

8. It is next submitted that thereafter the statement of the victim under Section 183 B.N.S.S. was recorded, wherein yet another new version was introduced by alleging that the applicant and his associates were alluring her for conversion of religion. Learned counsel submits that none of these allegations finds place in the F.I.R., which was admittedly lodged on the basis of the information allegedly furnished by the victim herself to the informant. Thus, at every subsequent stage, the prosecution story has materially improved and developed.

9. It is lastly submitted that the informant has exercised his influence over the local police and not only the applicant but also his family members have been falsely implicated in the present case. The applicant has no criminal antecedents. The charge-sheet has already been filed and the applicant is in jail since 02.12.2025. The trial has not commenced and there is no likelihood of its early conclusion. It is, thus, submitted that the applicant is entitled to be released on bail. It is also submitted that the applicant will never misuse the liberty of bail and shall fully cooperate in the trial.

10. Learned A.G.A. vehemently opposes the prayer for grant of bail to the applicant. However, he does not dispute the fact that, as per the

prosecution case, the alleged incident took place on 05.10.2025 whereas the F.I.R. was lodged on 07.10.2025. He further submits that the witnesses have supported the prosecution case and, therefore, the applicant is not entitled to be enlarged on bail.

11. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the F.I.R., bail application and other relevant documents, it is evident that the alleged incident is of 05.10.2025 at about 6:30 a.m. As per the prosecution case itself, the victim escaped from the alleged custody on the very same day and returned to her house and narrated the incident to the informant. However, neither any information was given to the police control room nor was any F.I.R. lodged on the same day. The F.I.R. came to be lodged only on 07.10.2025 and no explanation for such delay has been furnished in Item No. 8 of the prescribed F.I.R. format. It further appears that at every subsequent stage of the investigation, the prosecution story has materially improved and different versions have been introduced. The charge-sheet has already been filed, the applicant has no criminal antecedents and is in jail since 02.12.2025. In such circumstances, this Court is of the view that the applicant is entitled to be released on bail.

12. Application stands **allowed**.

13. Let the applicant-**Afsar Ali @ Sauva** be released on bail in the aforesaid case crime on his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to the following conditions:-

(i) The applicant shall not commit an offence similar to the offence of which he is accused, or suspected of the commission of which he is suspected.

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

(iii) The applicant shall file an undertaking to the effect that he shall not

seek any adjournment on the date 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.

(iv) 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 269 B.N.S.

(v) In case the applicant misuses the liberty of bail during trial and, in order to secure his presence, proclamation under Section 84 B.N.S.S. is issued and the applicant fails to appear before the Court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 B.N.S.

(vi) The applicant shall remain present, in person, before the trial court on the dates fixed for (a) opening of the case, (b) framing of charge, and (c) recording of his statement under Section 351 B.N.S.S. If, in the opinion of the trial court, the absence of the applicant is deliberate or without sufficient cause, it shall be open for the trial court to treat such default as abuse of the liberty of bail and proceed against him in accordance with law.

14. Any violation of the above conditions shall be treated as misuse of the liberty of bail and the court concerned shall be at liberty to pass appropriate orders regarding cancellation of bail.

**(Rajeev Singh,J.)**

**June 12, 2026**

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