



2026:AHC-LKO:20670

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 3493 of 2025

Mohd. Shanu

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s) : Suhail Kashif, Eshan Kumar Gupta,
Mohd.Umeed Irshad Qadri

Counsel for Respondent(s) : G.A., Sanjay Singh

Court No. - 12

HON'BLE MANISH MATHUR, J.

1. Heard learned counsel for appellant and learned Additional Government Advocate for opposite party No.1.
2. Despite revision of list, no one has put in appearance on behalf of opposite party No.2.
3. This Criminal Appeal has been filed by the appellant under Section 14A(2) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 with a prayer to set aside order dated 12.09.2025 passed by Special Judge (SC/ST Act) on Bail Application arising out of Case Crime No. 432 of 2025, *State v. Mohd. Shanu* under Sections 64(2)m, 87, 115 (2), 352, 351(3), 127(2) BNS and under Sections 3(2)(v) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 3/5(3) Prohibition of Unlawful Conversion of Religion Act, Police Station Dewa, District Barabanki refusing bail to appellant.
4. As per contents of First Information Report dated 22.08.2025, the appellant had enticed away the sister of informant and was compelling her to change her religion. Allegation has also been levelled of criminal intimidation and sexual exploitation.
5. It has been submitted that neither the F.I.R. nor even in the statement of alleged victim indicate the aspect as to why the F.I.R. was being lodged belatedly particularly in view of the fact that in her

statement, the informant and the appellant have specifically stated that the alleged victim went with the appellant on 6/7.07.2025 whereas the F.I.R. has been lodged after almost two months. It is also submitted that there is no allegation that the alleged victim or her family members were unaware with regard to the religion of appellant. He has also admitted to the fact that alleged victim is major being 23 years of age and therefore there was consensual relationship between the two. He further submits that neither the F.I.R. nor the statement of alleged victim indicate any of the Sections of SC/ST Act being made out. It is further submitted that F.I.R. has been lodged only to intimidate the appellant since the parents of alleged victim and her family members were against the relationship of appellant and victim.

6. Learned Additional Government Advocate has opposed the appeal on the basis of counter affidavit filed and submits that the allegation levelled against the appellant indicates attempts being made for religious conversion of the victim and sexual exploitation on the basis of criminal intimidation.

7. In view of submissions, at this stage, without entering into the merits of case, it appears that the allegations levelled in the F.I.R. that there is no time or date indicated with regard to alleged kidnapping of the sister of informant. The statement of informant recorded subsequently as well as of her parents indicate that alleged kidnapping took place on 6/7.07.2025 whereas the F.I.R. has been registered only on 22.08.2025. Therefore does not appear to be any cogent explanation indicated for F.I.R. being lodged so belatedly. The contents of F.I.R. as well as the statements of alleged victim, informant and witnesses indicate that victim went with the appellant willingly and that his religion was well-known to the informant and his family. The alleged victim has also indicated that she was in relationship with the appellant for more than 1 ½ years.

8. Considering the facts and circumstance of the case, without commenting on merits, I am of the view that the learned Court below has failed to appreciate the material available on record. The order passed by the Court below is liable to be set aside.

9. Accordingly, the appeal is **allowed** and order dated 12.09.2025 is set aside.

10. Let appellant/applicant involved in aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence during the trial

(ii) The applicant will not pressurize/intimidate the prosecution witness.

(iii) 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 any police officer or tamper with the evidence.

(iv) 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.

(v) 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 (now Section 269 of the Bharatiya Nyaya Sanhita, 2023).

(vi) 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. (now Section 84 BNSS) 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 (now Section 209 of the Bharatiya Nyaya Sanhita, 2023).

11. The pending application if any too stands disposed of.

March 23, 2026
lakshman

(Manish Mathur,J.)