



2026:AHC-LKO:21150

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 11507 of 2025

Tulsiram

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashish Kumar Dubey, Arvind Kumar,
Pramod Kumar Khare, Prashant
Shekhar, Shreyansh Chandra

Counsel for Opposite Party(s) : G.A.

Court No. - 28

HON'BLE RAJEEV BHARTI, J.

Heard learned counsel for applicant and learned Additional Government Advocate for the State and perused the record.

This is first bail application filed on behalf of the applicant who is involved in Case Crime No. 360 of 2025, under Sections 351(3), 352 B.N.S. & Section 3, 5(1) U.P. Prohibition of Unlawful Conversion of Religion Act, 2021, District- Jaisinghpur, District- Sultanpur.

As per contents of first information report, allegation has been levelled upon applicant for attempting religious conversion of various persons with allurement.

Learned counsel for applicant submits that applicant has been falsely implicated in the charges levelled against him. It is submitted that provisions of Section 3 of U.P. Prohibition of Unlawful Conversion of Religion Act, 2021 even otherwise is not applicable upon applicant particularly in view of Section 2(a) & (i) of the said Act since there was no recovery of any item which may come within definition of allurement and particularly since there is no allegation levelled against him of being a religion converter.

It is further submitted that the applicant has no previous criminal history and he is in jail since 22.09.2025. There is no possibility of the applicant

of fleeing away after being released from jail or tampering with the prosecution witnesses. He undertakes that in case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned Additional Government Advocate for the State has opposed the bail application with submission that a bare perusal of impugned order make out a prima facie case against applicant of religious conversion.

The Hon'ble Apex Court in **Sanjay Chandra vs. Central Bureau of Investigation, reported in (2012) 1 SCC 40** has specifically held that bail is to be a norm and an under-trial is not required to be in jail for ever pending trial. Relevant paragraphs of the said judgment are as under :-

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty."

"27. This Court, time and again, has stated that bail is the rule and committal to jail an exception. It has also observed that refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution."

Considering the submissions advanced by learned counsel for the parties and upon perusal of material on record, prima facie, and subject to further evidence being led in trial, although allegation of religious conversion on the basis of allurements has been made but the aspect of no recovery having been made from applicant and his coming within scope of Section 3 of U.P. Prohibition of Unlawful Conversion of Religion Act, 2021 read with Section 2(a) & (i) would require consideration at the stage of trial as also the fact that the applicant is in jail since 22.09.2025 having no previous criminal history and without expressing any opinion on the merits of case, this Court finds that it is a fit case for enlarging the applicant on bail.

Accordingly bail application is **allowed**.

Let applicant- **Tulsiram** involved in aforesaid case crime number be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial Court, either personally or through his counsel.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

(Rajeev Bharti,J.)

March 24, 2026
Shravan