



2026:AHC:18827

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 42103 of 2025

Dev Sahayam Deniyal Raj And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dinesh Kumar, Mary Puncha (Sheeb Jose), Mohd. Kalim

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

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

1. Heard Ms. Mary Puncha along with Shri Dinesh Kumar, learned counsel for the applicants and Shri Rajesh Kumar Singh, learned AGA, for the State-respondents and perused the record.

2. This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of accused-applicants, Dev Sahayam Deniyal Raj and Paras, seeking enlargement on bail in Case Crime No. 230 of 2025, under Sections 3/5(1) of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station- Ahaura, District- Mirzapur.

3. Learned counsel for the applicant argued that the accused-applicants are innocent. They have been falsely implicated in this very case crime number and is languishing in jail since 30.09.2025. They have no criminal antecedent and there is no likelihood of their fleeing from course of justice or tampering with evidence in case of release on bail. Learned counsel for the applicants submit that in the present case FIR has been lodged at the instant of one Sri Indrasan Singh, who is neither an aggrieved individual nor relative nor immediate family member of the aggrieved individual and, as such, the initiation of prosecution on the basis of the alleged FIR is unsustainable. In order to buttress his submissions reliance has been placed upon a recent decision of the Apex Court dated 17.10.2025 in the case of ***Rajendra Bihari Lal and Another vs. State of Uttar Pradesh and others, reported in 2025 LawSuit(SC)***

1391 in which their lordships in paragraph no. 117 of the said decision have laid down as under:

"117. It is manifest from a plain reading of the statutory scheme of the unamended Section 4 that the initiation of prosecution for the alleged offence of illegal religious conversion stands circumscribed and may be set in motion only at the behest of the aggrieved individual or, in the alternative, by his or her immediate family members or blood relatives. The underlying rationale for such a restriction, in our opinion, is rooted in the recognition that the freedom to profess, practice, or propagate religion, and concomitantly the liberty to renounce or embrace a faith of one's choice, is a facet of the fundamental rights guaranteed under Articles 21 and 25 of the Constitution respectively. This liberty lies in the innermost domain of human conscience and decisional autonomy. To permit the initiation of criminal proceedings at the instance of strangers or unrelated third parties would amount to an impermissible intrusion into this protected sphere of individual freedom and would open the door to frivolous or motivated litigations, thereby diluting the constitutional guarantees of personal liberty and freedom of religion. As discussed above, this Court in *Shafin Jahan* (supra) underscored that the right to choose a faith or partner is intrinsic to the dignity and autonomy of the individual."

4. It is further prayed by learned counsel for the applicants that nothing incriminating has been recovered from the possession of the applicants. Hence, bail has been prayed for.

5. Learned AGA has vehemently opposed the prayer for bail.

6. Considering all above facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and *prima facie* case, but without commenting on merit of case, a case for bail is made out.

7. Accordingly, the bail application is ***allowed***.

8. Let the accused-applicants, ***Dev Sahayam Deniyal Raj and Paras,***

involved in above mentioned case crime number be released on bail, on their executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicants will not tamper with the evidence.
2. The applicants will not indulge in any criminal activity.
3. The applicants will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicants will appear regularly on each and every date fixed by the trial court, unless their personal appearance is exempted through counsel by the court concerned.
9. In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel their bail.

(Ashutosh Srivastava,J.)

January 28, 2026

Deepak/