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Copy of order dated– 02/08/2025

COURT OF SPECIAL JUDGE (N.I.A. ACT), BILASPUR
(CHHATTISGARH)

(Presiding Officer: Sirajuddin Qureshi)

Bail Application No. 1639/2025

Date of institution– 01/08/2025

P.S.:– GRP Bhilai, District–Durg

Crime No. 60/2025

1. Preethy Mary, Daughter of Shri M.O. Varkey, Aged about 55 years, Resident of A.M. Sadan, Duhaniya, District Dindori, Madhya Pradesh.
2. Vandana Francis, Daughter of Shri Mathew, Aged about 53 years, Resident of Fatima Hospital, Civil Line, Agra Uttar Pradesh.
3. Sukhman Mandavi, son of Shri Bhagat Mandavi, Aged about 19 years, Resident of Markabada, Hajamimeta, District Narayanpur, Chhattisgarh.

.....Applicants

Versus

State of Chhattisgarh

Through: The Station House Officer,

Police Station– GRP Bhilai, District

Durg, Chhattisgarh.

.....Non–Applicant/State

02/08/2025 Sh. Amrito Das Ld. Advocate for Applicants/Accused
Sh. Dau Chandravanshi Ld. Special PP for NIA/Non–
applicant.

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Sh. Hemant Kumar Mishra Ld. Advocate for Objector Ravi Nigam.

This is the First Bail application filed u/s. 483 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 60/2025 registered at Police Station–GRP Bhilai, District–Durg(C.G.), for the offence punishable under section 143 of Bhartiya Nyaya Sanhita, 2023 r/w. Section 4 of the Chhattisgarh Dharma Swatantrya Adhiniyam, 1968.

The Ld. Advocate for the applicants submits that no other application of the nature is pending before this court or any other court. The applicants previously preferred an application u/s. 480 of BNSS for their release on bail before the Judicial Magistrate First Class Durg, Chhattisgarh, which has been rejected by the Court vide its order dated 29.07.2025. Thereafter the applicants preferred a regular bail application under Section 483 of the BNSS before the Sessions Court Durg, which was heard and rejected by the Additional Sessions Judge, Forth FTSC(POCSO), Durg vide order dated 30.07.2025 holding that the offences alleged are scheduled offences under the National Investigation Agency Act 2008 and therefore cognizable by the designated Special Court under the said Act 2008.

The applicants have preferred the instant application for consideration before this court. The applicants have been arrested on 25.07.2025 in connection with crime no. 60/2025 registered at Police Station GRP Bhilai, District Durg(C.G.), for

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commission of alleged offences punishable under section 143 of Bhartiya Nyaya Sanhita, 2023 read with section 4 of the Chhattisgarh Dharma Swatantrya Adhiniyam, 1968. There is no other criminal antecedents against the applicants and this is the first FIR registered against them. No criminal case at any point of time was registered against the applicants or is pending before any court.

It is also submitted that, a complaint was made by one Ravi Nigam, son of Shri Pradeep Nigam, that three girls who are resident of Narayanpur was being brought by one boy and handed over to two Nuns and were being taken to Agra, which raises apprehension that there are chances of forceful religious conversion and human trafficking. The FIR as lodged by the complainant is absolutely false, baseless and without any substance, purely based on apprehension and conjectures. The applicant no. 1 and 2 are Nuns who have dedicated themselves to the cause of humanity and social service and associated with the Provinciate under the control and supervision of the Provincial Superior who is situated at Bhopal. The applicant no. 2 is brother of a previously associated girl namely, Sukhmati, who had learning with the Provinciate. The three girls are major/adults and were to travel Agra out of their own free consent and they are all followers of Christianity and therefore the allegation of forceful religious conversion is absolutely false and baseless. There are no ingredients for commission of any offence under the alleged provisions of Section 143 of B.N.S., 2023

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r/w. Section 4 of the Chhattisgarh Dharma Swatantrya Adhiniyam, 1968.

The applicants have also submitted that they are permanent residents of above mentioned address, will cooperate with the investigation, are willing to furnish surety, and shall abide by any conditions imposed by this Court.

Ld. Advocate for the objector, Shri Hemant Kumar Mishra, has also raised objections, alleging allurement of girls for religious conversion and human trafficking, and expressing concerns about absconsion due to the applicants being residents of Kerala.

Ld. Special PP for NIA have raised formal objection.

Heard all side, perused the Case Diary.

Before venturing into the facts of the present bail application, it is apposite to refer to certain authoritative pronouncements of the Hon'ble Supreme Court which lay down the guiding principles for grant or rejection of bail.

Hon'ble Supreme Court in case of – **Mahipal Vs. Rajesh Kumar @ Polia and another (2020)2 SCC 118** has held that,

“ the power to grant bail under section 439 is of a wide amplitude. But it is well settled that though the grant of bail involves the exercise of the discretionary power of the court, it has to be exercised in a judicious manner and not as a matter of course.

The determination of whether a case is fit for the grant of bail involves the balancing of numerous factors, among which the nature of the offence, the

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severity of the punishment and a prima facie view of the involvement of the accused are important. No straitjacket formula exists for courts to assess an application for the grant or rejection of bail. At the stage of assessing whether a case is fit for the grant of bail. The court is not required to enter into a detailed analysis of the evidence on record to establish beyond reasonable doubt the commission of the crime by the accused. That is a matter for trial.”

Furthermore, as has been held by Hon’ble Supreme Court in case of– **Manik Madhukar Sarve and others Vs. Vitthal Damuji Meher and others, (2024) 10 SCC 753–**

It is well-settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) nature and gravity of the accusation;
- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced; and
- (viii) danger, of course, of justice being thwarted by grant of bail.

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Again Hon'ble Supreme Court in case of– **P. Chidambaram Vs. Directorate of Enforcement, 2020 (13) SCC 791**, has reiterated that,

There could be no quarrel with the proposition of law laid down in the cited judgment. A.S. Bopanna, J. Speaking for a three judge bench held:

"23. Thus, from cumulative perusal of the judgments cited on either side including the one rendered by the Constitution Bench of this Court, it could be deduced that the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial. However, while considering the same the gravity of the offence is an aspect which is required to be kept in view by the court. The gravity for the said purpose will have to be gathered from the facts circumstances arising in each case.

Now reverting to the facts of the present case. As per the Case Diary, the brief description of the case is that on the written complaint of Ravi Nigam dated 25.07.2025, an offence U/s. 143 BNS, 2023 and u/s. 4 Chhattisgarh Dharma Swantantrya Adhiniyam, 1968 has been registered against the accused Sukaman Mandavi, Vandana Francis and Preeti Mary that they have allured three girls who are residents of Bastar and Jagdalpur region for conversion to another religious faith. There was also inducement of providing them with a job in District– Agra , U.P. In furtherance of this the accused persons have booked the ticket of victims for Agra by

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Humsafar Express (Railway). The relevant seizures of property was carried out, statements of the victims were recorded under section 180 of B.N.S.S., 2023 and the accused persons were arrested.

Considering submission advanced by all sides in the light of Judgments/Orders of Hon'ble Supreme Court and on perusal of the Case Diary, prima facie shows that the accused were arrested, the relevant seizures of property were effected in accordance with law and statements of victims as well as concerned individuals have been recorded, although charge-sheet has not been filed in the present case. It transpires from the Case Diary that the registration of the FIR is primarily based on a mere apprehension and suspicion of commission of an offence by the accused persons. In the arrest memo of the accused persons, no previous record of their criminal history has been annexed. It is also pertinent to mention here that in the Sr. No. 12 of Arrest Memo it has been mentioned that the accused persons are not habitual offender or they are not falling under dangerous category or there is no apprehension of absconding of the accused persons. It is also significant that the parents of the three victims have also filed their affidavits stating that the accused persons/applicants have not allured or forced or coerced their daughters for religious conversion or human trafficking. Out of the three major/adult victim girls, the two victim girls in their statement before the Police under section 180 of B.N.S.S., 2023, deposed that they have been followers of

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Christianity since childhood.

Moreover, there is no requisition from the Investigating Agency for custodial interrogation of the accused persons. It is apparent that the investigation as well as the trial shall require a reasonable span of time for completion. The Investigating Agency has not placed any material on record before the Court to show how continued custody of the accused persons would be necessary for the investigation or ends of justice.

Hence, this Court is of the opinion that the applicants/accused persons are entitled to be enlarged on regular bail.

The order granting bail shall not be construed as a reflection on the merits of the case, which shall be examined at the appropriate stage

Accordingly, the bail application under Section 483 of BNSS, 2023, filed by the applicants in connection with Crime No. 60/2025, Police Station– GRP Bhilai, District–Durg (C.G.), for offences under Section 143 of B.N.S., 2023 r/w Section 4 of the Chhattisgarh Dharma Swatantrya Adhiniyam, 1968, is **Allowed** and it is ordered that if each applicant/accused executing bail bonds for a sum of Rs. 50,000/– with two sureties of the like sum produced to the satisfaction of this Court with following conditions, they shall be released on bail.

Conditions:–

- (a) The applicants shall not leave the India without leave of this Special Court(NIA Act).

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- (b) The applicants shall surrender their passports, if they possess, with the Special Court, during the period they remain enlarged on bail.
- (c) The applicants shall inform the investigating officer of the N.I.A. the address where they shall reside during the period they remain enlarged on bail.
- (d) The applicants, while on bail shall report to the Station House Officer of the Police Station within whose jurisdiction they shall reside, once every fortnight.
- (e) The applicants shall make themselves available for interrogation in the course of investigation as and when required.
- (f) The applicant shall not tamper with the evidence or attempt to intimidate or influence the witnesses.
- (g) The applicant shall not give any press interviews nor make any public comment in connection with this case qua them or other co-accused.

Copy of this order be sent to Ld. Special PP for NIA and Superintendent of Central Jail, Durg, for information and necessary action.

Copy of this order alongwith Case Diary be returned to concerned Police Station.

Result be noted and record be consigned to record room.

(Sirajuddin Qureshi)
Special Judge (NIA Act),
Bilaspur (C.G.)