



ITEM NO.2

COURT NO.1

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).11258/2024

(Arising out of impugned final judgment and order dated 01-07-2024 in CRMB No. 19442/2024 passed by the High Court of Judicature at Allahabad)

KAILASH

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(FOR ADMISSION and IA No.184675/2024-EXEMPTION FROM FILING O.T.)

Date : 27-09-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Siddharth Agarwal, Sr. Adv.
Mr. Sanbha Rumnong, Adv.
Mr. M.F. Philip, Adv.
Ms. Lija Merin John, Adv.
Mr. Karamveer Singh Yadav, Adv.
Ms. Purnima Krishna, AOR
Mr. Vishwajeet, Adv.

For Respondent(s) Ms. Garima Prashad, A.A.G.
Mr. Akshay Amritanshu, AOR
Mr. Samyak Jain, Adv.
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1 On 27 August 2024, the following order was passed by this Court:

"1 The bail application filed by the petitioner, Criminal Miscellaneous Bail Application No 19442 of 2024, was

dismissed by the impugned order dated 1 July 2024.

- 2 Case Crime No 201 of 2023 has been registered against the petitioner for offences punishable under Sections 3 and 5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 and Section 365 of the Indian Penal Code, 1860 at Police Station Maudah, District Hamirpur, Uttar Pradesh.
- 3 Mr. Siddharth Aggarwal, senior counsel appearing on behalf of the petitioner submits that when the charge sheet was submitted, the offence under Section 365 IPC was given up.
- 4 Charges have been framed.
- 5 The petitioner is in custody since 21 May 2023. We see no reason or justification for the continued custody of the petitioner.
- 6 Hence, issue notice returnable on 23 September 2024.
- 7 Liberty to serve the Standing Counsel for the State of Uttar Pradesh.
- 8 Pending further orders, the petitioner is directed to be released on bail subject to such terms and conditions as may be imposed by the trial judge in connection with Case Crime No 201/2023.”

2 We have heard Mr Siddharth Aggarwal, senior counsel for the petitioner, and Ms Garima Prashad, Additional Advocate General for the State of Uttar Pradesh.

3 Ms Garima Prashad clarifies that the investigation with reference to the offence under Section 365 of the Indian Penal Code 1860 is still continuing.

4 Bearing in mind that the petitioner was in custody since 21 May 2023, the charge-sheet has been submitted on 19 July 2023, we confirm the order dated 27 August 2024 enlarging the petitioner on bail, subject to the terms and conditions already specified. However, the petitioner shall cooperate in the investigation.

- 5 While disposing of the Special Leave Petition, we clarify that the general observations made by the High Court had no bearing on the facts of the present case and were, therefore, not required for the disposal of the case. The observations, therefore, shall not be cited in any other case or proceeding in the High Court or in any other court.
- 6 The Special Leave Petition is disposed of in the above terms.
- 7 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
ADDITIONAL REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR