

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 19442 of 2024

Applicant :- Kailash

Opposite Party :- State of U.P.

Counsel for Applicant :- Saket Jaiswal

Counsel for Opposite Party :- G.A.

Hon'ble Rohit Ranjan Agarwal,J.

Heard Sri Saket Jaiswal, learned counsel for the applicant and Sri P.K. Giri, learned Additional Advocate General assisted by Sri Sunil Kumar, learned AGA for the State of U.P..

By means of the present bail application, the applicant- Kailash seeks bail in Case Crime No.201 of 2023, under Section 365 IPC & Section 3/5(1) of the U.P. Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station- Maudaha, District- Hamirpur, during the pendency of trial.

Prosecution story as unfolded from the First Information Report is that one Ramphal, brother of the informant Ramkali Prajapati was taken by the applicant- Kailash from Hamirpur to Delhi for attending the social gathering and ceremony for the well-being. According to the FIR, many persons from the said village were taken to social gathering and were converted into Christianity. The applicant had promised the informant that her brother who was suffering from mental illness will be treated, and shall be returned to his native village, within a week. When the brother of the informant did not return after a week, she asked the applicant that her brother has not returned, however, she did not get any satisfactory reply.

Learned counsel for the applicant submits that Ramphal, brother of the informant was not converted into Christianity, nor he is Christian. He had attended the gathering of Christian faith and well-being along with several other persons. He further submits that during the investigation, the police had recorded the statement of various persons, which cannot be relied upon at this stage that the applicant has no role to play. It was Sonu Paster who was holding such gathering, and he has already been enlarged on bail.

Learned Additional Advocate General appearing for the State submits that by holding such gathering, huge number of persons are being converted into Christianity by these persons who are being paid huge money. Further, he has invited the attention of this Court to the various statements of witnesses, wherein it has been stated that the applicant- Kailash had been taking away people from the village for converting them into Christianity, and for this act he was being paid huge money.

I have heard learned counsel for respective parties and perused the material on record.

Article 25 of the Constitution of India provides for Freedom of conscience and free profession, practice, and propagation of religion, but it does not provide for conversion from one faith to another faith. Article 25 of the Constitution of India reads as under:-

"25. Freedom of conscience and free profession, practice and propagation of religion

(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or

prevent the State from making any law—

(a) regulating or restricting any economic, financial, political or other secular activity which maybe associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus."

The word "Propagation" means to promote, but it does not mean to convert any person from his religion to another religion.

In the instant case, there are serious allegations against the applicant by the informant that her brother was taken away from the village to attend the gathering of well-being at New Delhi and along with him number of persons from the said village were also taken there, and they are being converted into Christianity. Brother of the informant never returned to the village. Statements recorded by the I.O. of various other persons clearly reveals, at this stage, that the applicant- Kailash had been taking away people to attend the religious congregation held at New Delhi, where they are being converted into Christianity.

If this process is allowed to be carried out, the majority population of this country would be in minority one day, and such religious congregation should be immediately stopped where the conversion is taking place and changing religion of citizen of India.

It is against the Constitutional mandate of Article 25 of the Constitution of India which does not provide for religious conversion, it only provides freedom of conscience and free profession, practice and propagation of religion.

It has come into notice of this Court in several cases that unlawful activity of conversion of people of SC/ST castes and other castes including economically poor persons into Christianity is being

done at rampant pace throughout the State of Uttar Pradesh.

This Court, *prima facie*, finds that the applicant is not entitled for bail.

Hence, the bail application of applicant involved in the aforesaid case crime is, hereby, **rejected**.

Order Date :- 1.7.2024

SK Goswami