

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.2944/2024

(Arising out of impugned final judgment and order dated 19-02-2024 in CRMA No.4486/2024 passed by the High Court of Judicature at Allahabad)

RAJENDRA BIHARI LAL

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(With IA No.51562/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.51564/2024-EXEMPTION FROM FILING O.T. and IA No. 59928/2024 - RECALLING THE COURTS ORDER)

Date : 01-04-2024 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Siddhartha Dave, Sr. Adv.
Ms. Vidhi Thaker, Adv.
Ms. Pallavi Sharma, AOR

For Respondent(s) Ms. Garima Prashad, AAG
Mr. Akshay Amritanshu, AOR

**UPON perusing papers the Court made the following
O R D E R**

- 1 The Special Leave Petition arises from an order of the Single Judge of the High Court of Judicature at Allahabad dated 19 February 2024 in Criminal Miscellaneous Bail Application No 4486 of 2024.
- 2 On 11 December 2023, FIR No 538 of 2023 was registered at PS Nawab Ganj for offences allegedly punishable under Sections 307, 504 and 386 of the Indian Penal Code and under Sections 3 and 5(1) of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act 2021. The petitioner has not been named in the FIR. Thereafter, FIR No 693 of 2023 was registered on 31 December 2023 at Police Station Naini, Prayagraj.
- 3 It appears that the petitioner was arrested in connection with FIR No 693 of 2023 and was taken on remand in FIR No 538 of 2023.
- 4 On 22 January 2024, this Court, while entertaining a petition under Article 32 of the Constitution instituted by the petitioner, among others [Writ Petition (Crl) No 28 of 2024], issued notice and passed the following order:

"1 ...

- 2 Till the return of notice on 12 February 2024, no coercive steps shall be taken against the petitioners in connection with FIR Nos 47, 54, 55 and 60 of 2023 dated 20 January, 2023, 23 January 2023, 23 January 2023 and 24 January 2023 respectively, FIR No 224 dated 15 April 2022 registered at Police Station Kotwali, Fatehpur, FIR No 318 of 2023 dated 04 September 2023 registered at Police Station, Ghurpur, District Yamunapar (Commissionerate, Prayagraj), FIR No 328 of 2023 dated 21 June 2023 registered at Police Station Naini, Yamunapar (Commissionerate Prayagraj, FIR No 305 of 2023 dated 04 November 2023 registered at Police Station Bewar, District Hamirpur; FIR No 538 of 2023 dated 11 December 2023 registered at Police Station Nawabganj and FIR No 693 of 2023 dated 31 December 2023 registered at Police

Station Naini, Prayagraj.” (emphasis supplied)

- 5 By an order dated 4 March 2024, the petitioner was directed to be released on bail in connection with FIR Nos 538 and 693 registered at PS Nawab Ganj and Naini respectively, subject to such terms and conditions as may be imposed by the Sessions Court and that the bail bond shall not exceed Rs 25,000.
- 6 Pursuant to the above order, the petitioner has been released on bail.
- 7 An application for recall has been filed by the State of Uttar Pradesh. Ms Garima Prasad, Additional Advocate General submitted that this Court ought not entertain these proceedings bearing in mind that the bail application which has been filed by the petitioner is pending before the Single Judge of the High Court of Judicature at Allahabad. Moreover, it has been urged that no relief should be granted in respect of FIR No 693 of 2023 in any event.
- 8 The position as it emerges from the record is that an application for bail was initially rejected by the Sessions Court on 10 January 2024. A second bail application was rejected by the Sessions Court on 30 January 2024. The petitioner moved the High Court of Judicature at Allahabad on 2 February 2024 and the case was registered on 5 February 2024. The matter was listed before the High Court on 8 February 2024 when, as stated in the recall application filed by the State, it was passed over. After being passed over on 8 February 2024, the case came up before the High Court only eleven days later on 19 February 2024. At that stage, the Additional Advocate General informed the Court that he had received a supplementary affidavit on that day. The Bench thereafter adjourned the case to 6 March 2024.
- 9 The above narration would indicate that the petitioner was in custody since 31 December 2023. Thereafter, he was protected by an order of this Court

restraining any coercive steps being taken against him. Though, the application for bail was filed before the High Court on 5 February 2024, it remained to be considered on merits and the next date of listing by the High Court was 6 March 2024. It was in these circumstances, that this Court by its order dated 4 March 2024, was constrained to exercise its jurisdiction so as to protect the liberty of the petitioner.

- 10 We have borne in mind the nature of the accusation against the petitioner. Admittedly, the charge-sheet has been filed in FIR No 538 of 2023. We are of the view that it would be appropriate to confirm the order passed by this Court on 4 March 2024 subject to the condition that the petitioner shall cooperate with the Investigating Officer in connection with the investigation in FIR No 693 of 2023. He shall attend the office of the IO when called upon to do so.
- 11 Subject to the aforesaid conditions, we confirm the ad interim order of this Court dated 4 March 2024 enlarging the petitioner on bail.
- 12 The Special Leave Petition and the application for recall are disposed of.
- 13 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar