

Court No. - 85

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 12343 of 2022

Applicant :- Bhanu Pratap Singh

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Rajkumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Rajkumar Verma, learned counsel for the applicant, Sri O.P. Mishra, learned A.G.A. for the State and perused the papers on record.

2. This application has been moved by the applicant- **Bhanu Pratap Singh** seeking anticipatory bail in Case Crime No.224 of 2022, under sections- 153A, 506, 420, 467, 468, 471 I.P.C. and sections- 3/5(1) of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020, Police Station- Kotwali, District- Fatehpur.

3. As per prosecution case, an F.I.R. was lodged by the informant- Himanshu Dixit with the allegations that about 90 persons of Hindu religion have been congregated at Evangelical Church of India, Hariharganj, Fatehpur for the purpose of their conversion to Christianity by putting them under undue influence, coercion and luring them by playing fraud and promise of easy money etc.; on receiving this information, the Government officers reached the place and interrogated the pastor Vijay Massiah; he disclosed that the process for conversion was going on for the last 34 days and that this process shall be completed within 40 days; that they have been trying to convert even patients admitted to the Mission Hospital and the employees play an active role in the same; the Government officers found 35 persons (named in the F.I.R.) and 20 unknown persons as having been involved in this conversion of 90 persons of Hindu community to Christianity. The F.I.R. was registered under sections- 153A, 506, 420, 467, 468 I.P.C. and sections- 3/5(1) of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020 and the matter was investigated upon.

4. It is contended on behalf of the present applicant- Bhanu Pratap Singh that he was not involved in the act; infact he was not present at the spot; the informant is an activist of a political organization having connection with ruling party and that he has been falsely implicated in this case for ulterior motives; he has no criminal history and no credible evidence showing his involvement has been collected; he shall co-operate in the investigation and abide by the conditions, if any, imposed on him. It is also contended that some of the persons named in the F.I.R. viz. Madhuri Panna and Vijay Kumar Samson have been granted anticipatory bail. Hence, on the basis of parity his application for anticipatory bail deserves to be allowed.

5. The application for anticipatory bail is ardently opposed on behalf of the State.

Following facts and arguments have been placed before me in this connection:-

(i) The applicant and 35 named persons with the assistance of number of others were dealing in mass conversion of people from one religion to the other by offering them monetary and other benefits.

(ii) Witnesses- Sonu Singh, Pramod Kumar Dixit, Rajesh Kumar Dwivedi, Niteesh Kumar Shukla, Virendra Kumar and Sanjay Singh have given an eye-witness account and corroborated the prosecution case. They also stated that the pastor- Vijay Massiah admitted before them that he was carrying on the process of conversion for the last 34 days and that the employees of the Mission Hospital were also involved in this mission.

(iii) 26 persons were arrested on the spot as is clear from GD No.36 of 15.04.2022 at 13:43 hours; the persons arrested included the present applicant- Bhanu Pratap Singh.

(iv) Pramod Kumar Dixit in his statement under section 161 Cr.P.C. said that during the treatment of one of his family members, he got acquainted with a woman named Lily See, who advised him to convert to Christianity and that he will be given medical assistance free of cost all his life and that his kids will be given job as well as money; she took him to this Church and introduced him to the accused persons including wife of the present applicant and others. They took his Aadhaar Card and assured him that a new Aadhaar card with his new name, after conversion shall be issued to him. The day this incident happened, he was present on the spot and found that there were about 60-70 persons of one community lured to the Church on same kind of assurances by the accused persons.

(v) Similar statements under section 161 Cr.P.C. have been given by witnesses- Sanjay Singh, Rajesh Kumar Trivedi, Shri Keshan, Satya Pal etc. who are public witnesses.

(vi) It is argued on behalf of the State that this incident created a lot of flutter and tension amongst the persons of one community and also created a law and order situation. In aftermath, the persons of one community collected at a place and raised slogans and the police had difficult time in controlling them and any untoward incident could have taken place if they were not sufficiently prepared and alert.

(vii) It is stated by one of the witnesses Shri Keshan that on same kind of assurances like free of cost medical assistance, education and employment to his children and monetary benefits once he is converted to their faith he was lured into this process; that his Aadhaar card was taken and his name was changed from Shri Keshan to Keshan Joseph; he was also threatened by the accused persons that in case he disclosed the incident to anybody, his life will be at risk.

(viii) It is argued with vehemence that there was a bigger conspiracy hatched by the applicant and his associates with wider ramifications; they were acting in an organized manner for mass conversion. This is not a case where an individual was driven by his conscience to convert to a different faith but the accused persons in tandem with each other systematically went on to influence the persons who usually came in their contact for medical treatment or otherwise. Their poor socio-economic condition was exploited to lure them into participating in mass conversion. The offer for easy money, jobs etc. were used as a bait to tempt them in this incident. The incident might seem not so grave on

surface but had a hidden agenda behind it.

(ix) It is also argued that there is no substance in the argument that applicant has been falsely implicated or that F.I.R. was motivated one.

(x) The bail at this stage may prove a hurdle in effective investigation in this case.

6. It may be kept in mind that anticipatory bail is an extraordinary remedy to be exercised in suitable cases only. The power under section 438 Cr.P.C. cannot be utilized in a routine manner as a substitute for regular bail. This discretionary power calls for existence of facts of the kind where the court is satisfied that its interference is necessary to further the cause of justice and to prevent misuse of process of law.

7. I considered all the aspects of the matter. I do not find any good ground to grant anticipatory bail.

8. Hence, the anticipatory bail application is **rejected**.

9. However, any of the observations made herein shall not be taken as a comment on merits of the case and the court below shall be at liberty to form its own opinion at any stage of the case..

Order Date :- 9.1.2023

Saif