

Geraid Mathews Mwssy @ Gerald vs State Of U.P. on 2 January, 2025

Author: Ashutosh Srivastava

Bench: Ashutosh Srivastava

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:102

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42070 of 2024

Applicant :- Geraid Mathews Mwssy @ Gerald

Opposite Party :- State of U.P.

Counsel for Applicant :- R.P. Tiwari,Rajesh Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava,J.

Heard Shri Sunil Kumar Singh, learned counsel for the applicant and Shri Sunil Kumar, learned AGA for the State-respondents and perused the record.

This bail application under Section 439 Cr.P.C. has been moved on behalf of accused-applicant, Gerald Mathews Messy @ Gerald, seeking enlargement on bail in Case Crime No. 857 of 2024, under Sections 299, 3 (5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3, 5 (1) U.P. Prohibition of Unlawful Religious Conversion Act, Police Station Nandgram, District Ghaziabad.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 25.9.2024. Learned counsel for the applicant submits that applicant was not named in the FIR. In the First Information report it has not been mentioned that whose religion was being converted. Learned counsel for the applicant submits that no incriminating material has been recovered from the possession of the applicant. Co-accused, namely Ravi, has been granted bail by this Court, vide order dated 20.12.2024, in Criminal Misc. Bail Application No. 40470 of 2024. He has no criminal antecedent and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed the prayer for bail.

Considering all above facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is allowed.

Let the accused-applicant, Gerald Mathews Messy @ Gerald, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

Order Date :- 2.1.2025 Deepak/