



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 567 OF 2023
(Arising out of SLP(CrL.) No. 8576/2022)

IRFAN KHAN @ IRFAN SHAIKH

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

ORDER

Leave granted.

The appellant has come up before this Court against rejection of his bail plea in an appeal instituted by him under the provisions of Section 21(4) of the National Investigation Agency Act, 2008. Before the High Court, the appellant had questioned the legality of an order of the Special Judge, N.I.A./A.T.S./ Additional District & Sessions Judge, Court No. 3, Lucknow refusing his prayer for bail.

Allegations against the appellant relate to carrying out certain activities which according to the prosecution are anti national. Charges have been framed against the appellant under Sections 120B, 121A, 123, 153A, 153A, 153B, 295A, 298, 417 Indian Penal Code and Section 3/5/8 of the U.P. Prohibition of Unlawful Conversion of Religion Ordinance (Act), 2021.

The allegation against the appellant is that he was an interpreter in the conversion process of persons suffering from

hearing and speech impairment, and according to the prosecution such conversion is prohibited under the law. The appellant is in custody for One year and Seven months. Trial has commenced.

But having regard to the role attributed to the appellant by the prosecution in the commission of the alleged offences, we do not think further detention of the appellant pending trial is necessary. We, accordingly, set aside the impugned order and direct that the appellant shall be released by the said Court on such terms and conditions the said Court may impose.

We are also of the view that one of the conditions which ought to be imposed by the said Court is that the appellant, till conclusion of the trial, shall not enter the State of Uttar Pradesh for any reason whatsoever without leave of the concerned Court except for attending trial. In the event the appellant cannot furnish local surety, the concerned Court shall accept as sureties persons residing outside the State of U.P. to the satisfaction of the said Court.

The present appeal is allowed in the above terms.

Pending application(s), if any, shall stand disposed of.

..... J.
[ANIRUDDHA BOSE]

..... J.
[SUDHANSHU DHULIA]

NEW DELHI;
FEBRUARY 22, 2023.

ITEM NO.16

COURT NO.11

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. 8576/2022

(Arising out of impugned final judgment and order dated 25-03-2022 in CRL.A No. 38/2022 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

IRFAN KHAN @ IRFAN SHAIKH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(IA No. 113447/2022 - EXEMPTION FROM FILING O.T.)

Date : 22-02-2023 This matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Nitya Ramakrishnan, Sr. Adv.
Mr. Sarim Naved, Adv.
Mr. Shahid Nadeem, Adv.
Mr. Aarif Ali, Adv.
Mr. Mujahid Ahmed, Adv.
Mr. Furkan Khan Pathan, Adv.
Mr. Himanshu Mohan, Adv.
Mr. Sagar Roy, Adv.
Shashi Kumar, Adv.
Mr. Harsh Parashar, AOR

For Respondent(s) Mr. K.m Natrajan Sr.adv., A.S.G.
Mr. Sharan Thakur, A.A.G.
Mr. Adarsh Upadhyay, AOR
Ms. Indra Bhakar, Adv.
Ms. Shweta Yadav, Adv.
Mr. Aman Pathak, Adv.
Ms. Pallavi Kumari, Adv.

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

Leave granted.

The present appeal is allowed and the impugned order is set aside and direct that the appellant shall be released in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(Signed order is placed on the file)

(VIDYA NEGI)
ASSISTANT REGISTRAR