

News

When jail officials refuse to release a religious conversion suspect who was granted bond, the Supreme Court warrants an investigation.



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A judicial investigation into the Ghaziabad District Jail authorities' inability to free an accused person who was granted bail in April in a case involving alleged forced religious conversion connected to a marriage was ordered by the Supreme Court on Wednesday.

The Chief Justice of the Allahabad High Court was directed by the bench of **Justices KV Viswanathan and N Kotiswar Singh** to appoint the Principal District and Sessions Judge of Ghaziabad to investigate the case.

"The investigation will concentrate on whether the petitioner or applicant was held over May 27, 2025, and whether there was a delay in his enlargement. The Court instructed the district court to determine whether there was negligence or egregious negligence in this case for the delay and to assign blame accordingly.

On August 18, the matter will be heard again in order to review the inquiry report.

"State of UP shall furnish all support and assistance to the district judge to conduct this enquiry," the court stated.

Additionally, the State was ordered by the Court to pay the accused ₹5 lakh and report compliance on Friday.

"The release order has all the information, and it is regrettable that someone must go through this during this sweltering summer. Every stakeholder was informed of the offense, the crime number, and the nature of the offense. The whole thing is regrettable. The Court stated that people have a constitutionally given right to liberty, which is extremely valuable and priceless.

The Court further stated that a person's freedom cannot be restricted due to pointless formalities. It was hoped that no other convicted or undertrial inmate would be held on such issues.

The District Jail's refusal to free the accused who had been granted bail by the highest court in April was taken seriously by the court on Tuesday.

The jail authorities allegedly refused to release accused Aftab, who was booked under Section 366 of the Indian Penal Code, 1860 and Sections 3 and 5 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, on the grounds that the bail order omitted clause (1) of Section 5 of the 2021 Act.

Then, in order to request the addition of the same, he had to submit a modification application to the highest court once more.

The Court declared yesterday that the accused's continued incarceration on the grounds that a subsection was not included in the order was a miscarriage of justice. Aftab was released from jail on Tuesday after the court's stringent observations.

Garima Prashad, the Senior Advocate and Additional Advocate General for Uttar Pradesh, stated today that the DG Prisons has directed the Deputy Inspector General of the Meerut region to conduct an investigation into the matter.

Nonetheless, the Court determined that it was appropriate to mandate a judicial investigation into the matter. The Court stated it was an issue of liberty and expressed its distress over the actions of the jail officials. It also wanted to know why the guy was detained in spite of his bond.

"How many of these are incarcerated is unknown to us. How can his liberty be revoked when this court has issued a lawful order giving it? It said, "We want to rule out the vested interest part."

The Court went on to ask, "What message are we sending if we keep people behind jail.. notwithstanding our orders?"

The Court further stated that its bail decision was legitimate and unaltered. The Court asked the DG Prisons what steps could be taken to raise awareness among the personnel. It was retorted that guidelines may be released.

"You speak to them via video, explaining liberty and the importance of obeying orders." You are aware of Article 144. that our efforts support the Supreme Court. Make sure that no undertrial is pending release despite an order under your direction," the court stated.

In the event that a vested interest prevented the accused from being released, the Court further stated that it would guarantee the appropriate sentence.

"Let's view the investigation report. We will impose personal culpability if someone is at fault. Please be aware that if an officer is engaged, the officer is responsible for paying the costs," it stated.

The Court then stated that it would order the State to compensate the accused and inquired as to which official would be responsible for making the payment.

"The accused will be required to pay a cost of ₹5 lakhs. The inquiry report that will be produced will now determine who will pay," it stated.

The accused's release following yesterday's hearing, the judge added, demonstrated that no court order was necessary.

"You merely detained him on hypertechnical reasons, as evidenced by the fact that you released him yesterday, demonstrating that you did not require our directives. That's all. The Bench questioned how this change, among other things, had become a barrier to his release.

Because a subsection was omitted from the bail order, the Court raised concerns with the legal clause that stipulates that jail officials may only detain an individual.

"How can jailers do this if lower courts [when issuing release orders] do not insist? If that's the mindset on liberty, we'll up the price to ₹10 lakhs today," it continued.

The High Court has refused to grant Aftab bail in July 2024. He had claimed that the case had wrongfully implicated him. Additionally, it was argued that the victim had joined him after he converted to Hinduism on his own. But according to the prosecution, the victim was brought to Bihar and coerced into accepting Islam.

"It is a case where the girl in her statement recorded under Section 164 Cr.P.C. had claimed unequivocally that the applicant with the backing of his family had induced her to accept "Islam". She was brought to Bihar by force. The Court had stated that the applicant's conversion certificate from the Arya Samaj was useless because the first information report had been filed under Section 366 IPC and Section 3/5 of the Act of 2021.

Nonetheless, on April 29, the highest court noted that the victim and accused were married through an arranged marriage that followed Hindu traditions.

"Having regard to the facts and circumstances of the present case, including the position that the parents of the appellant, Aftab, are Hindu and Muslim, as well as the factum that it was an arranged marriage and the parties had gotten married as per Hindu rites and customs, we are of the opinion that the appellant, Aftab, has made out a case for grant of bail," it stated.