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HIGH COURT OF MADHYA PRADESH, JABALPUR

M.Cr.C. No.12730/2021

16.3.2021

Mr. Brian Da' Silva, learned senior counsel, with Mr. S. S. Oberoi and Mr. Abhishek Dilraj, learned counsel for the applicant.

Mr. Sachin Jain, learned Panel Lawyer for the respondent-State.

Mr. Rajesh Sharma, learned counsel for the objector.

This application under Section 438 of the Code of Criminal Procedure 1973 has been filed for grant of anticipatory bail to applicant **Sister Bhagya** who is apprehending her arrest in connection with Crime No.36/2021 registered at Police Station Khajuraho, district Chhatarpur, for the offences punishable under sections 3 and 5 of the Madhya Pradesh Freedom of Religion Ordinance, 2020.

Heard on I.A. No.3587/2021, which is an application for grant of ad-interim anticipatory bail.

The applicant is the Principal of the Sacred Heart Convent High School, Khajuraho, district Chhatarpur. She has been booked under sections 3 and 5 of the new Ordinance, which is the Madhya Pradesh Freedom of Religion Ordinance, 2020. The allegation against her is that she attempted to convert a former staff member who functioned as an Assistant Librarian in the said school and whose services were terminated subsequently on account of poor performance. The FIR is dated 22.2.2021. It is alleged by the complainant that her husband, who was ailing with a mental disorder, was promised to be cured by the applicant herein if the complainant and her family got converted to Christianity. It is also stated that she had given the allurement that the Christian God is greater than the Hindu God.

Per contra, learned counsel for the applicant has submitted that the complaint is false and registered only out of a sense of frustration experienced by the complainant on account of her being terminated from the service of the Convent. In this regard, learned counsel for the applicant drew the attention of this court to Annexure A/4, which is a complaint preferred by the Principal addressed to the SDM. It was received by the Office of the SDM on 17.2.2021 and the same was forwarded to the SDO(P), Khajuraho, to look into the issue. In the said complaint, the applicant herein has stated that the complainant was

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terminated from the services of school on account of her poor performance and lack of documents and that she is giving threats of committing self-immolation if she is not reinstated on her job. Thereafter, on 20.2.2021, a similar representation is stated to have been preferred by the complainant to the TI of Police Station Khajuraho stating that the school has received information that the complainant is proposing to falsely implicate the applicant herein by levelling the allegations of forced conversion of her and her family. Thereafter, the present FIR was registered on 22.2.2021.

Learned counsel for the applicant also submits that even de hors the said documents, no offence would be made out against the applicant herein.

At this juncture, learned counsel for the objector has prayed for time to file written objections in this case.

The prayer seems to be reasonable and is granted.

Till the next date of hearing, the applicant shall be enlarged upon temporary bail upon her furnishing a personal bond in the sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with one solvent surety in the like amount to the satisfaction of the Police Officer competent to arrest her, subject to the conditions enumerated in Section 438(2) of the Code of Criminal Procedure 1973. The applicant shall join investigation as and when required by the police.

The application (I.A. No.3587/2021) is disposed of.

List this case **on 7.4.2021.**

Certified copy **today.**

**(Atul Sreedharan)
Judge**

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