

Court No. - 72

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10934 of 2023**

Applicant :- Salman And 2 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Mohammad Waseem

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Supplementary affidavit filed today is taken on record.
3. Heard Sri Mohammad Waseem, learned counsel for the applicants, Sri Anit Kumar Shukla, learned Additional Government Advocate for the State and perused the records.
4. The present anticipatory bail application has been filed on behalf of the applicants in Case Crime No.357 of 2018, registered under Sections 3/5/8 U.P. Prevention of Cow Slaughter Act, 1955 at Police Station- Devrania, District Bareilly with a prayer to enlarge them on anticipatory bail.
5. Learned counsel for the applicants has stated that co-accused persons, namely, Faeem and Naeem, have already been granted anticipatory bail by Co-ordinate Bench of this Court vide order dated 12.7.2023 passed in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.7336 of 2023. Therefore, the present applicants are also entitled for anticipatory bail on the ground of parity. The criminal history assigned to the applicant stands explained. Learned counsel for the applicants undertakes that they will cooperate in the investigation failing which the State can move appropriate application for cancellation of the anticipatory bail.
6. The prayer for anticipatory bail has been vehemently opposed by the learned A.G.A. However, the aforesaid factual aspect of the parity to the co-accused has not been disputed by him.
7. Considering the submissions made by learned counsel for the parties, this Court is of the view that the applicants have made out

a case for grant of bail on the ground of parity.

8. Accordingly, the anticipatory bail application is **allowed** with following directions:-

(A) In the event of arrest of the applicants- Salman, Dr. Ishtiyah and Dr. Arif @ Arif Mansuri, involved in aforesaid case shall be released on anticipatory bail till the submission of police report, if any, under section 173(2) Cr.P.C. before the competent Court on their furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the Station House Officer of the police station concerned;

(B) The applicants shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(C) The applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; and

(D) The applicants shall not leave India without the previous permission of the Court.

9. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.

Order Date :- 13.10.2023

Ravi Kant

(Krishan Pahal, J.)