

Court No. - 75

1. Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42524 of 2023

Applicant :- Salman And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar

Counsel for Opposite Party :- G.A.

Alongwith

2. Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41759 of 2023

Applicant :- Abdul Kadir

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijay Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicants, learned AGA for the State and perused the record.

2. By means of these bail applications applicants seek bail in Case Crime No.242 of 2023, under Sections 5/25 of the Arms Act, Police Station Charthawal, District Muzaffarnagar, during the pendency of trial.

3. Learned counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the instant case due to ulterior motive. It is also contended that similarly placed co-accused persons have already been enlarged on bail by co-ordinate Benches of this Court vide orders dated; (i) 18.09.2023 passed in Criminal Misc. Bail Application No.36740 of 2023 (Faisal Vs. State of UP); (ii) 18.09.2023 in Criminal Misc. Bail Application No.35776 of 2023 (Vivek Vs. State of UP); and (iii) 18.10.2023 passed in Criminal Misc. Bail Application No.43184 of 2023 (Tasleem Vs. State of UP). He further submitted that since the role of the applicants is identical to that of aforesaid co-accused who have already been enlarged on bail, they are also entitled to be enlarged on bail on the ground of parity. It is further contended that there is no criminal history against the applicants, Salman and Anas but there is criminal history of two cases against the applicant, Abdul Kadir in which he has already been enlarged on bail which has been explained in paragraph-3 of the supplementary affidavit. There is no likelihood of their abscondence or tampering with the

evidence. The applicants are languishing in jail since 21/22.07.2023. In case the applicants are released on bail, they will not misuse the said liberty.

4. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

5. Having regard to the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicants are entitled to be enlarged on bail. Accordingly, the bail applications are allowed.

6. Let the applicants - Salman, Anas and Abdul Kadir, involved in the aforesaid case crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses;

(iv) shall appear before the concerned SHO in the first week of every month to show or establish their *bona fide* until further order of the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 3.11.2023

Shahroz