

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42849 of 2023

Applicant :- Dilshad

Opposite Party :- State of U.P.

Counsel for Applicant :- Abrar Ahmad Siddiqui, Mohammad Ahmar Malik

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. The rejoinder affidavit filed today in Court on behalf of the petitioner is taken on record. Let it be numbered by the Office.
2. Heard Sri Abrar Ahmad Siddiqui, learned counsel for the applicant and learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No. 273 of 2023, under Sections 3/5A/5B/8 of Prevention of Cow Slaughter Act and Section 11 of Prevention of Animal Cruelty Act, and Sections 420, 467, 468, 471 I.P.C., Police Station- Gopiganj, District- Bhadohi , during the pendency of trial.
4. As per prosecution story, the applicant was apprehended by police along with 18 animals belonging to cow progeny stashed mercilessly in TATA DCM vehicle no. DLILAD5739 on 27.06.2023.
5. Learned counsel for the applicant has stated that applicant has nothing to do with the said office. He is simply the cleaner of the said vehicle and no animal has been slaughtered under the Prevention of Cow Slaughter Act. Offence, if any, made out against applicant is under the Prevention of Animal Cruelty Act. The applicant has no criminal antecedents. It is also contended that similarly placed co-accused persons have already been enlarged on

bail by coordinate Benches of this Court vide order dated 28.10.2023 passed in Criminal Misc. Bail Application No.42989 of 2023 (Mohd. Simran Vs. State of UP). He further submitted that since the role of the applicant is identical to that of aforesaid co-accused who have already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 27.08.2023. In case the applicant is released on bail, he will not misuse the said liberty.

6. The prayer for bail has been vehemently opposed by learned AGA. However, he could not dispute the aforesaid factual aspects of parity to the co-accused.

7. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of the view that the applicant has made out a case for grant of bail on the ground of parity. Accordingly, the bail application is allowed.

8. Let the applicant - **Dilshad**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (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.

9. 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 :- 24.11.2023

Vijay