

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43603 of 2023

Applicant :- Shamsheer

Opposite Party :- State of U.P.

Counsel for Applicant :- Rizwan Ullah Siddiqui, Sushil Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Rizwan Ullah, learned counsel for the applicant, Sri Sushil Kumar Pandey, learned counsel for the first informant, learned AGA for the State-opposite party and perused the record.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 484 of 2023, under Sections 269, 270, 272, 273, 332, 353, 429, 307, 34, 120-B I.P.C and 3/11 Animal Cruelty Act, Police Station- Deoband, District Saharanpur, during the pendency of trial.

3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case on account of village election *party bandi* and have enmity with the co-accused Sakib and Danish. It is next contended that the co-accused- Danish @ Nadeem, Rahman @ Tamatar, Raju @ Israr, Shahid and Jaheer, having identical role, have been enlarged on bail by Coordinate Bench of the Court in Criminal Misc. Bail Application Nos. 44155 of 2023, 44610 of 2023, 44704 of 2023, 44665 of 2023 and 43618 of 2023, vide orders dated 03.11.2023, 01.11.2023, 31.10.2023, 31.10.2023 and 12.10.2023, respectively. Copy of the bail orders provided by the learned counsel for the applicant are taken on record

The applicant claims parity. The applicant is in jail since **18.09.2023**. In case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Shamsher**, 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.

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 :- 7.11.2023

Vinod.