

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 43905 of 2023

**Applicant :-** Sakib

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Mohd. Kalim, Mary Puncha (Sheeb Jose)

**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma, J.**

1. Learned counsel for the applicant has filed supplementary affidavit today in Court, which is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the records.
3. The instant bail application, 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 under Section 3/11 Prevention of Animal Cruelty Act, Police Station- Deoband, District- Saharanpur, during pendency of the trial.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case on the ground of political enmity during the election of Nagar Palika Parishad. The applicant has not caused any injury to the police personnel. The name of the applicant came into picture by the co-accused. In the supplementary affidavit learned counsel for the applicant has filed injury report and copy of bail order. Learned counsel lastly submitted that the co-accused Danish @ Nadeem and Sahid have similar role to the accused applicant have already been granted bail by the coordinate Bench of this Court in ***Criminal Misc. Bail Application Nos. 44155 of 2023 and 44665 of 2023*** vide orders dated 03.11.2023 and 31.10.2023 respectively. Copies of the bail orders provided by the learned counsel for the applicant, is taken on record. The applicant claims parity. The applicant has no criminal antecedent in his credit except the case mentioned in the affidavit. He is in jail since **18.09.2023**, in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. 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.

7. Let the applicant, **Sakib**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.
- iv. shall appear before the concerned S.H.O. on any day of first week of every month till the further order of the trial court.

8. 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 :- 9.11.2023**

*Vinod.*