

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11438 of 2023

Applicant :- Salauddin

Opposite Party :- State of U.P. and Others

Counsel for Applicant :- Avnish Kumar Srivastava, Nitin Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Avnish Kumar Srivastava, learned counsel for the applicant, Sri Rajesh Kumar Kannaujiya, learned counsel for the informant, Sri Pranshu Kumar, learned Additional Government Advocate for the State and perused the records.
3. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.164 of 2023, registered under Sections 147, 420, 467, 468, 471, 504, 506 I.P.C. at Police Station- Kharkhauda, District- Meerut with a prayer to enlarge him on anticipatory bail.
4. Learned counsel for the applicant has submitted that the co-accused persons, **Imran, Amjad, Samarjahan** and **Arshad**, have already been granted anticipatory bail by Co-ordinate Bench of this Court vide order dated 17.8.2023 passed in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.7466 of 2023. The criminal history assigned to the applicant has been explained. Therefore, the present applicant is also entitled for anticipatory bail on the ground of parity. Learned counsel has stated that the applicant undertakes that he will cooperate in the investigation failing which the State can move appropriate application for cancellation of the anticipatory bail.
5. The prayer for anticipatory bail has been vehemently opposed by the learned counsel for the informant as well as learned A.G.A. However, the aforesaid factual aspect of the parity to the co-accused has not been disputed by them.
6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, without expressing any opinion on the

merits of the case, the Court is of the view that the applicant has made out a case for anticipatory bail. The anticipatory bail application is allowed on the ground of parity.

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

(A) In the event of arrest of the applicant- **Salauddin** 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 his/her furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the court concerned/Station House Officer of the police station concerned;

(B) The applicant 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 applicant 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 her from disclosing such facts to the Court or to any police officer; and

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

8. 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 applicant.

Order Date :- 30.10.2023

Vikas

[Krishan Pahal, J.]