

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44642 of 2023

Applicant :- Nasim

Opposite Party :- State of U.P.

Counsel for Applicant :- Pavan Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The FIR in question was lodged against seven named persons and four unknown persons, who are said to be carried out the offences, including the offence under section 3/11 of the Prevention of Cruelty to Animals Act.
3. Learned counsel for the applicant submits that in the same offence the other co-accused Sahid and Jaheer against whom similar allegation has been made has already been enlarged on bail by this Court, as well as coordinate Bench of this Court, vide orders dated 31.10.2023 and 12.10.2023. He further submits that since the role of the applicant is identical to that of co-accused Sahid and Jaheer, who has already been enlarged on bail, hence the applicant who has no criminal antecedent except the present one and he is in jail since 10.09.2023 is also entitled to be enlarged on bail on the ground of parity.
4. Learned AGA has opposed the bail application.
5. Considering the fact that the co-accused has been enlarged on bail, the applicant is entitled to be enlarged on bail on the ground of parity. In view thereof, the application is allowed.
6. Let the applicant **Nasim** be released on bail in FIR No. 484 of 2023, under Sections 269, 270, 272, 273, 332, 353, 429, 307, 34 and 120B I.P.C. and section 3/11 Prevention of Cruelty to Animals Act, P.S. Deoband, district-Saharanpur, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:
 - (a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 7.11.2023

Faridul