

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46762 of 2023

Applicant :- Salman Alias Ibrar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ruhi Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Ms. Ruhi Yadav, learned counsel for the applicant who has filed supplementary affidavit which is taken on record, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.201 of 2023, under Sections 3/5/8 of the UP Prevention of Cow Slaughter Act and Section 11 of Animal Cruelty Act, Police Station Kotwali Dehat, District Etah, during the pendency of trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The applicant is not named in the FIR and also he was not arrested on the spot; his name has come into picture in the confessional statement of the co-accused. It is also contended that the co-accused persons have already been enlarged on bail by co-ordinate Benches of this Court vide orders dated; (i) 19.09.2023 passed in Criminal Misc. Bail Application No.38384 of 2023 (Ansar Vs. State of UP); (ii) 21.09.2023 passed in Criminal Misc. Bail Application No.39021 of 2023 (Moh Asif Vs. State of UP); and (iii) 27.09.2023 passed in Criminal Misc. Bail Application No.41967 of 2023 (Nazim Vs. State of UP), therefore, the applicant is also entitled to be enlarged on bail as his case is on the better footing to that of the aforesaid co-accused. There is criminal history of two cases against the applicant which has been explained in paragraph-12 of the affidavit filed in support of the bail application in which the applicant has already been enlarged on bail. There is no likelihood of abscondence or tampering with the evidence. He is in jail since 19.05.2023. 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 facts, circumstances and the

submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Salman Alias Ibrar**, involved in the aforesaid case 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 :- 23.11.2023

Shahroz