

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49416 of 2023

Applicant :- Smt. Nargis @ Gulista

Opposite Party :- State of U.P.

Counsel for Applicant :- A.Z.Khan

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri A.Z.Khan, learned counsel for the applicant, learned A.G.A for the State and perused the record.

2. The instant bail application, under Section 439 Cr.P.C of the Code of Criminal Procedure, 1973, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 99 of 2020, under Sections 3/5/8 of the Prevention of U.P. Cow Slaughter Act, Police Station- Gagalhedi, District Saharanpur, during the pendency of trial.

3. Counsel for the applicant submitted that the applicant is a lady, who has been falsely implicated in the instant case. It is next contended that the co-accused- **Bilal** and **Javed** having identical role, have been enlarged on bail by coordinate Bench of the Court in **Criminal Misc. Bail Application No. 27302 of 2020** vide order dated 18.09.2020. Copy of the bail order is annexed as Annexure No. 2 to the affidavit, supported with the application. The applicant claims parity. The applicant is in jail since 19.10.2023. In case, she is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A 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.

4. Learned A.G.A 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 - **Smt. Nargis @ Gulista**, involved in the aforesaid case crime be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that she:

(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.

(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.

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 :- 29.11.2023

Vinod / Shahroz.