

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14988 of 2023

Applicant :- Amir

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

Counsel for Applicant :- Umesh Kumar Maurya, Vikas Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Umesh Kumar Maurya, the learned counsel for the applicant, Sri Virendra Kumar, the learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 175 of 2023, under Sections 379, 429 I.P.C. and Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act, 1955, registered at Police Station Nagam, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.07.2023 alleging theft of a bull by some unknown persons in the night of 09.07.2023 and the bull having been killed due to animosity with intention of causing loss to the informant.
4. The police claimed to have arrested one Aahat Quraishi and in his custodial statement he implicated the applicant also in the commission of offence.
5. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's criminal history of 14 other case has been disclosed in para 12 of the affidavit

and in all those cases the applicant has been granted bail. The co-accused Aahat Quraishi, on the basis of whose statement the applicant has been implicated in the present case has already been granted bail by this court by means of an order dated 28.11.2023 passed in Criminal Misc. Bail Application No.13979 of 2023.

6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is languishing in jail since 11.08.2023, whereas a co-accused Aahat Quraishi has already been granted bail by this court and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime on the ground of parity.

8. Accordingly, this bail application stands **allowed**.

9. Let the **applicant-Amir** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 19.12.2023
Ram.