

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2917 of 2023

Applicant :- Sonu Sonkar

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Ram Pravesh Yadav, Kristen Sleeth, Meera Devi, Shashank Kumar, Umesh Kumar Kushwaha

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard counsel for the applicant and Sri Anupam Anand, learned Brief Holder for the State.

2. This is the second bail application. The first bail application was rejected by this Court on 04.01.2022.

3. By means of the instant bail application, the applicant has prayed to be enlarged on bail in Case Crime No. 112 of 2020, under Section 376 (2)Cha IPC and Section 5/6 POCSO Act, Police Station- Kotwali Nagar, District-Mau, during pendency of the trial.

4. Counsel for the applicant contends that during the trial the informant was examined as P.W.-1 and the victim was examined as P.W.-2. Both the prosecution witnesses have not supported the prosecution version and have denied the involvement of the applicant in the incident. Copies of the statements of P.W.-1 and P.W.-2 are collectively annexed as Annexures-SA-1 to the supplementary affidavit. It is next contended that the applicant is in jail since 01.08.2020. The applicant is a law abiding citizen and has always cooperated with the investigation, and has attended the trial. The trial is moving at snail's pace and shows no sign of early conclusion. The applicant cannot be faulted for the delay in conclusion of trial. Inordinate delay in concluding the trial has led to indefinite imprisonment of the applicant. The applicant has no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, I am of the prima facie view that during the course of trial the PW-1 (informant) and PW-2 (victim) have not supported the prosecution version and have denied the

involvement of the applicant in the offence. The applicant has no criminal antecedents. Further the applicant is in jail for more than three years. The prosecution could not bring on record any material, which would show that the trial has been delayed on account of any fault on the part of the present applicant, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Sonu Sonkar** involved in the aforesaid case crime 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.

8. 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 :- 4.12.2023

Lbm/-