

Court No. - 85

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 17313 of 2023

Applicant :- Sandeep Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashwini Kumar, Ram Bilas Prasad, Subedar

Counsel for Opposite Party :- G.A.

Hon'ble Mayank Kumar Jain, J.

Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

The present second bail application has been filed on behalf of applicant in Case Crime No. 22 of 2022, under Sections 376, 323, 504, 506 of IPC, Police Station Meh Nagar, District Azamgarh with the prayer to enlarge the applicant on bail. The first bail application of the applicant was rejected by this Court vide order dated 09.02.2023 passed in Criminal Misc. Bail Application No. 49831 of 2022.

It has been argued by learned counsel for the applicant that applicant is innocent and he has been falsely implicated in the present case. It is further submitted that victim was major at the time of incident and she joined the company of applicant at her own accord. It is further submitted that there is no substantial progress in the trial and applicant is languishing in jail since 23.07.2022 having no criminal history and that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Per contra, the learned Additional Government Advocate has opposed the prayer for grant of bail by contending that all the arguments advanced by learned counsel for the applicant have already been considered by this court while disposal of the first bail application and applicant is not entitled to be released on bail.

Considering the rival submissions of learned counsel for the

parties, nature of allegations, gravity of offence and the fact that all aspects of the matter has already been considered while disposal of the first bail application and no new ground has been taken in the present second bail application, I do not find it a fit case for bail. Hence, the bail application is hereby ***rejected***.

Trial court is directed to record the statement of the victim preferably within a period of four months after receipt of the certified copy of this order without granting unnecessary adjournment to either of the parties subject to full co-operation by the applicant.

Any observation made above shall not be treated as any finding on the merits of the case and shall not prejudice the trial in any manner.

Order Date :- 12.10.2023

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