

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35108 of 2023

Applicant :- Chandan Bind

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

Counsel for Applicant :- Pradeep Kumar, Kalp Dev Mishra, Mary Puncha (Sheeb Jose), Mohd. Kalim

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. On 27.10.2023 C.J.M., Ghazipur was directed to submit a report with regard to service of notice upon the informant of the case.
2. As per office report, notice has been served upon the opposite party no.2 i.e. informant of the case personally and from the report it also reflects that trial of the case is at advance stage and on 06.11.2023 next date is fixed for argument.
3. Heard Sri Mohd. Kalim, learned counsel for the applicant and Sri Suresh Bahadur Singh, learned AGA for the State.
4. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 140 of 2023, under Sections 376D.A., 506 IPC and Section 3/4(II) POCSO Act, Police Station Kotwali, District Ghazipur during pendency of the trial.
5. Learned counsel for the applicant submitted that although trial of the case appears to be at its final leg but applicant has falsely been implicated in the present matter and he is in jail since 16.03.2023 i.e. for more than six months, therefore, even at this stage, he may be released on bail.
6. Per contra, learned AGA opposed the prayer for bail and submits that as today i.e. 06.11.2023 is the date fixed before the trial court for final argument, therefore, it would not be appropriate to release the applicant on bail at this stage.
7. I have heard learned counsel for the parties and perused the record of the case.
8. Considering the fact that trial of the case is at its last leg and

today is the date fixed for final argument, I am not inclined to release the applicant on bail.

9. Accordingly, the instant bail application is rejected.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

11. However, if final argument could not be completed today then trial court is directed to conclude the trial of the case within two months from the date of production of certified copy of this order strictly in accordance with law, if there is no legal impediment.

Order Date :- 6.11.2023

AK Pandey