

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26491 of 2023

Applicant :- Sarvesh

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

Counsel for Applicant :- Rahul Saxena

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Mukesh Joshi, Advocate holding brief of Sri Rahul Saxena, learned counsel for the applicant and Sri Pradeep Kumar, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 746 of 2022, under Sections 354B & 323 IPC and Section 9/10 POCSO Act, Police Station Pooranpur, District Pilibhit, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that this is the second bail application filed on behalf of the applicant and his first bail application has been dismissed by this Court on 1.2.2023 and he is pressing the instant second bail application mainly on the ground that applicant is in jail since 24.9.2022 i.e. for more than a year and till date, trial of the case could not be concluded and out of 18 prosecution witnesses, only 3 prosecution witnesses could be examined and therefore, trial of the case is moving with languid pace and there is no hope of its early disposal.

4. Per contra, learned AGA opposed the prayer for bail and submitted that this is second bail application of the applicant and his first bail application was dismissed on the ground that allegations against the applicant were serious in nature and therefore, considering the seriousness of allegations, applicant should not be released on bail.

5. I have heard learned counsel for the parties and perused the record of the case.

6. Although applicant is in jail for more than a year but allegation against him are serious in nature and after considering the entire

facts of the case, first bail application of the applicant was dismissed, therefore, I am not inclined to release the applicant on bail.

7. Accordingly, the instant second bail application stands ***rejected***.

8. However, considering the fact that applicant is in jail for more than a year, trial court is directed to conclude the trial of the case within ***eight months*** from the date of production of certified copy of this order, strictly as per the provisions of section 309 Cr.P.C. as well as section 35 POCSO Act, if there is no legal impediment.

9. 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.

Order Date :- 16.10.2023

Ankita