

Court No. - 48

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 27676 of 2023

Applicant :- Sonu Jadaun @ Dharmendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Shiv Shanker Yadav, Kailash Pati Singh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Shyam Shamshery, J.

1. This is the second bail application. First bail application was rejected vide order dated 21.3.2023 by a reasoned order and relevant part thereof is mentioned hereinafter:

"8. Considering seriousness of allegations and that for a very long period victim was treated inhumanly at the hands of applicant and co-accused that her body was ravished multiple times and was repeatedly beaten in naked condition as well as taking note that till date statement of victim has not been recorded and parity cannot be granted of an unreasoned order, prayer for bail is rejected.

9. However, the application is disposed of with direction to Trial Court to record statement of victim, if not already recorded, within a period of eight weeks from today, if there is no other legal impediment. Thereafter applicant is at liberty to file fresh application for bail before Trial Court."

2. In pursuance of aforesaid order of this Court, Trial Court has submitted a report in respect of status of trial that out of five prosecution witnesses, four have been examined and only the statement of Investigating Officer is left and for that next date fixed is 3.11.2023

3. Heard Sri Kailash Pati Singh Yadav, learned counsel for the applicant, Sri A.K.Ojha, learned Brief Holder and perused the record.

4. The applicant has approached this Court by way of filing the present Criminal Misc. Bail Application seeking enlargement on bail in Case Crime No.0201 of 2022, under Sections 323, 342, 366, 376 and 504 I.P.C., Police Station-Etmadaula, District-Agra.

5. Learned counsel for the applicant has tried to place before this Court that victim in her detailed cross-examination has made material contradictions to the extent that prosecution might not be able to prove the case beyond reasonable doubt.

6. Learned Brief Holder has pointed out that victim in her examination-in-chief has specifically stated that applicant herein has committed an offence for which he has been charged.

7. I have carefully perused the statement given by victim specifically examination-in-chief wherein she has supported the case of prosecution. So far as contradiction in cross-examination is concerned, this Court cannot go deep into cross-examination to the extent that there are material contradictions or not as it would not only prejudice case of either party but may influence trial court judgment also.

8. In the aforesaid circumstances, I do not find any ground to grant bail. However, this second bail application is **disposed of** with direction that Trial Court will try to conclude the trial within a period of three months from today.

Order Date :- 31.10.2023

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