

Court No. - 85

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 30317 of 2023

Applicant :- Vikash Verma

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

Counsel for Applicant :- Shams Uz Zaman, Mukesh Kumar Pandey

Counsel for Opposite Party :- G.A., Prashant Pandey, Shweta Singh Rana

Hon'ble Mayank Kumar Jain, J.

Heard learned counsel for the applicant, learned A.G.A. for the State and learned counsel for the informant and perused the record.

The present second bail application has been filed on behalf of applicant in Case Crime No.165 of 2021, under Sections 376, 323, 506, of IPC and Section 3/4 of Arms Act, Police Station Kalyanpur, District Kanpur Nagar with the prayer to enlarge the applicant on bail. First bail application of the applicant was rejected by this Court vide order dated 06.04.2023 in Criminal Misc. Bail Application No. 30588 of 2021.

The only ground taken by the learned counsel for the applicant is that earlier to this, another Case Crime No.142/2018 under Sections 363, 366, 376 of IPC and Section 4 of POCSO Act relating to Police Station Shivrapur, District Kanpur Nagar was lodged by the prosecutrix in which her statement was recorded and she did not corroborate the version of the prosecution and was declared hostile. It is also submitted that in that case she stated her age to be 19 years. It is submitted that applicant is innocent and has been falsely implicated in the present case. Applicant is in jail since 15.03.2021 and in case he is released on bail he will not misuse the liberty of bail.

Learned Additional Government Advocate has vehemently opposed the prayer for grant of bail and argued that in the earlier bail application in supplementary affidavit the same facts were brought on record. It is also submitted that all the aspects of the matter has already been considered at the time of deciding of the first bail application and no new ground related to this case is

taken by the applicant in the present bail application.

Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence and gravity of the offence, without expressing any opinion on merits of the case, the Court is of the view that the applicant is not entitled for the bail, therefore, the present second bail application is ***rejected***.

Any observation made above shall not be treated as any finding on the merit and shall not prejudice the trial.

Order Date :- 31.10.2023

Mohit