

Court No. - 48

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31224 of 2023

Applicant :- Sonu

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

Counsel for Applicant :- Harish Yadav, Satyendra Kumar Pandey

Counsel for Opposite Party :- G.A., Kamla Singh

Hon'ble Saurabh Shyam Shamshery, J.

1. Heard Sri Satyendra Kumar Pandey, learned counsel for applicant, Sri Abhishek Kandau, Advocate holding brief of Sri Kamla Singh, learned counsel for Informant and Mrs. Sujata Chaudhary, learned AGA for State.
2. This is second bail application filed by applicant-Sonu in Case Crime No. 220 of 2022, under Sections 363, 376 IPC and 3/4(2) POCSO Act, Police Station Sikarpur, District Bulandshahar. First bail application of applicant was disposed of vide order dated 16.03.2023 with direction to frame charges and record statement of victim within a period of six weeks.
3. Learned counsel for applicant submits that statement of victim was concluded on 01.08.2023 and thereafter no subsequent witness has appeared despite coercive measures are taken. He further submits that there are material contradictions in the statement of victim.
4. Learned AGA as well as learned counsel for Informant submit that there is no subsequent event for consideration of second bail application.
5. On a direction of this Court Trial Court has submitted a report dated 20.10.2023 that out of 16 prosecution witnesses statement of

victim has been concluded on 01.08.2023 and coercive measures are taken to summon other witnesses as well as that trial will be concluded expeditiously.

6. The applicant is in jail since 20.07.2022 and till date out of 16 prosecution witnesses only one witness, i.e., victim, has been examined. Speedy trial is a right of accused as well as victim also.

7. At this stage, this Court cannot scrutinize the evidence recorded before Trial Court to the extent that there are material contradictions. Trial Court has to take all coercive measures to summon other witnesses. It has not been denied that in examination-in-chief victim has supported prosecution case. Therefore, at this stage, I do not find any reason to enlarge applicant on bail.

8. However, the application is disposed of with direction to Trial Court concerned to take all coercive measures to summon other witnesses. Applicant is at liberty to refresh his bail application after a period of four months from today alongwith present status of trial.

Order Date :- 26.10.2023

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