

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 30565 of 2023

Applicant :- Manjeet Yadav

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

Counsel for Applicant :- Vishveshwar Mani Tripathi

Counsel for Opposite Party :- G.A., Vijendra Kumar Mishra

Hon'ble Sameer Jain, J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri Vishveshwar Mani Tripathi, learned counsel for the applicant, Sri V.K. Mishra, learned counsel for the informant and Sri Shatrughna Yadav, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 392 of 2022, under Sections 354, 354Ga, 354Gha, 506, 452 IPC & Section 7/8 POCSO Act & Section 67 I.T. Act, Police Station- Shahur, District- Gorakhpur, during pendency of the trial in the court below.
4. Learned counsel for the applicant submitted that this is the second bail application filed on behalf of the applicant and his first bail application was dismissed on merit by this Court on 02.01.2023. He further submitted that applicant is detained in jail for the offence under Sections 354, 506, 452 IPC & Section 7/8 POCSO Act & Section 67 I.T. Act since 18.08.2022 i.e. for more than a year.
5. He further submitted that victim of the case has already been examined by the trial court therefore, there is no chance of any tampering with the prosecution evidence.
6. He further submitted that considering the incarceration of the applicant of more than one year, he may be enlarged on bail.
7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that although, victim of the case has already been examined by the trial court but during her testimony number of times applicant threatened her and

due to intervention of this Court, anyhow her testimony could be recorded, therefore, considering the conduct of the applicant and the fact that the first bail application of the applicant has been dismissed on merit, his second bail application should also be dismissed.

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

9. However, from the record, it reflects that applicant is in jail since August, 2022 and victim of the case has already been examined by the trial court but this is the second bail application filed on behalf of the applicant and his first bail application was dismissed by this Court with a detailed order and from the order passed by this Court on the first bail application of the applicant, it reflects that as per the allegation, applicant is the person, who posted the obscene videographs of the victim on social media and earlier also he threatened her.

10. Further, from the perusal of the counter affidavit filed on behalf of the informant, it appears that during the course of trial again applicant number of occasions threatened the victim, therefore, considering the nature of allegation and conduct of the applicant, I am not inclined to release the applicant on bail.

11. Accordingly, the instant bail application is **rejected**.

12. 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.

13. However, considering the fact that applicant is in jail for more than a years and victim of the case has already been examined by the trial court, trial court is directed to conclude the trial of the case within a period of eight months from the date of production of certified copy of this order, strictly as per the provisions of Section 35 POCSO Act and Section 309 Cr.P.C., if there is no legal impediment.

Order Date :- 30.10.2023

KK Patel