

Court No. - 46

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32104 of 2023

Applicant :- Ajit Prajapati

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

Counsel for Applicant :- Ashish Pandey

Counsel for Opposite Party :- G.A.,Aarushi Khare

Hon'ble Ashwani Kumar Mishra,J.

Heard learned counsel for the applicant, learned A.G.A. for the State, Ms. Arushi Khare, learned counsel for High Court Legal Services Committee and perused the record.

The present second bail application has been filed by the applicant in Case Crime No.129 of 2022, under Sections 363, 376 I.P.C. & Sections 3/4 POCSO Act, 2012, Police Station - Chauk, District - Maharajganj, with the prayer to enlarge him on bail during the pendency of trial.

First bail application in the present case was rejected on 28.11.2022 with a direction to conclude the trial within a year.

Second bail application has been filed on the ground that the victim and the informant both have turned hostile and the medico legal report of the victim otherwise does not support the commissioning of offence. Contention is that there are remote chances of conviction of the accused, once the victim and the informant have not supported the prosecution case. It is also submitted that trial may take sufficiently long and accused-applicant otherwise has no criminal history and he is incarcerated in jail since 04.09.2022, as such, he may be enlarged on bail.

Learned A.G.A. as well as learned counsel for High Court Legal Services Committee has opposed the prayer made for grant of bail but could not dispute the above contention.

Considering the facts and circumstances of the case as well as submissions made by learned counsel for the parties and perusing the material brought on record and that the trial is also likely to take sufficiently long, without expressing any opinion on merits of the case, the applicant is held entitled to grant of bail. However,

any observation made hereinabove, will not affect the trial of the case.

Let the applicant- **Ajit Prajapati** involved in aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, with the following conditions, which are being imposed in the interest of justice:-

- (i) The applicant will not tamper with prosecution evidence.
- (ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.
- (iii) The applicant will not indulge in any unlawful activities.
- (iv) The applicant will not misuse the liberty of bail in any manner whatsoever.

The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

Order Date :- 9.11.2023

Zafar