

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40291 of 2022

Applicant :- Ankul

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

Counsel for Applicant :- Zafar Abbas

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Zafar Abbas, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 187 of 2021, under Sections 376, 506 IPC and section 3/4 POCSO Act, Police Station Adampur, District Amroha/J.P. Nagar, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that this is the second bail application filed on behalf of the applicant and his first bail application has been dismissed on merit vide order dated 16.2.2022 passed by this Court and he is pressing the instant second bail application on the ground that applicant is in jail in the present matter since 11.7.2021 i.e. for more than two years and till date only two prosecution witnesses could be examined including victim of the case and there is no hope of its early disposal and therefore, considering the long incarceration of more than two years, applicant may be released on bail.
4. Per contra, learned AGA opposed the prayer for bail and submitted that after considering the entire facts of the case, the first bail application of the applicant was dismissed on merit by this Court and therefore, merely on the ground of incarceration of two years, applicant should not be released on bail.
5. I have heard learned counsel for the parties and perused the record of the case.
6. Considering the fact that this is second bail application filed on behalf of the applicant and his first bail application has been dismissed on merit and from the perusal of the order passed by this Court on the first bail application of the applicant, it appears that it is a well reasoned order, therefore, I am not inclined to release the applicant on bail, at this stage.
7. Accordingly, the instant second bail application stands ***rejected***, at this stage.
8. However, considering the fact that applicant is in jail for

more than two years and victim of the case has already been examined, trial court is directed to conclude the trial within ***eight months*** from the date of production of certified copy of this order, strictly as per the provision of section 309 Cr.P.C. on day-to-day basis without granting any unnecessary adjournment to either of the parties, if there is no legal impediment.

9. It will be open for the applicant to renew his prayer for bail if within stipulated period of time, the trial is not concluded subject to the condition that applicant would co-operate with the trial of the case.

10. 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.

Order Date :- 28.10.2023

Ankita