

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35445 of 2023

Applicant :- Arun Kumar Jaiswal

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

Counsel for Applicant :- Sunil Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Crl. Misc. Exemption Application No.01 of 2023 is allowed.
2. Supplementary affidavit filed today is taken on record.
3. Heard learned counsel for the applicant as well as the learned A.G.A for the State and perused the record.
4. This is the second bail application filed on behalf of the applicant - **Arun Kumar Jaiswal** with the prayer to enlarge him on bail in case crime no. 617 of 2022, under Sections 376, 506 IPC and 5/6 POCSO Act and 67 Information Technology Act, P.S. Mohammadabad Gohna, District - Mau.
5. The first bail application of the accused-applicant has been decided on merits and it has been rejected by this Court vide order dated 5.6.2023.
6. Learned counsel for the applicant has submitted that applicant has been falsely implicated in the present case with malafide intention while he is innocent and has not committed any offence as alleged against him. It is further submitted that there is no video recording of the alleged incident. The I.O. did not collect any so-called alleged obscene video in respect of the present victim. It is further submitted that the co-accused Dheeraj Singh @ Jhanjhat, Aman Yadav, Aakash Rai have been granted bail by coordinate Benches of this Court vide orders dated 7.7.2023, 17.7.2023 and 17.7.2023 passed in Crl. Misc. Bail Applications No.14031 of 2023, 11268 of 2023 and 30826 of 2023 respectively. It is also submitted that the applicant has no criminal history to his credit. He is languishing in jail since 16.12.2022.
7. Learned A.G.A. opposed the bail prayer and argued that no new

circumstance has arisen after the rejection of the first bail application. It is further submitted that period of incarceration in jail cannot be a good ground to enlarge the applicant on bail. Hence, the applicant should not be released on bail. It is further submitted that all the pleas raised by learned counsel for the applicant, were raised earlier and considered by the Court while rejecting the first bail application.

8. There is no new ground in the second bail application except the bail orders of the co-accused who were granted bail after passing the bail rejection order dated 5.6.2023 of this Court. The earlier bail application of the applicant was rejected by the Court after considering all the material, facts and circumstances on merits.

9. Since the first bail application has been disposed of on merits, I find no ground to enlarge the present accused-applicant on bail.

10. The second bail application of the accused-applicant is hereby **rejected**.

Order Date :- 8.11.2023

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