

Court No. - 85

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36382 of 2023

Applicant :- Sushil Alias Sulla

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

Counsel for Applicant :- Jitendra Singh, Harish Mishra

Counsel for Opposite Party :- G.A., Arvind Kumar

Hon'ble Mayank Kumar Jain, J.

This is the second bail application. The first bail application was rejected vide order dated 17.01.2023 passed in Criminal Misc. Bail Application No. 27577 of 2022.

Heard learned counsel for the applicant, learned counsel for the informant, learned AGA for the State and perused the record.

The present bail application has been filed on behalf of applicant, who is involved in Case Crime No. 62 of 2022, under Section 376 I.P.C. and Section 3/4 of POCSO Act, P.S. Mau, District Chitrakoot.

It is argued by learned counsel for the applicant that the statement of informant and victim has been examined during the trial. There is no possibility of tempering with the witness of fact. Secondly, it is submitted that cognizance against the applicant was taken on 20.6.2022 as per section 35 of POCSO Act and the trial has to be concluded within a year from the date of taking cognizance but trial is still pending. It was further submitted that there are material contradictions in the statement of victim recorded during trial and her statement recorded under Sections 161 and 164 Cr.P.C. The applicant is languishing in jail since 23.3.2022. The applicant does not have any criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail.

Per contra learned AGA assisted by learned counsel for the informant vehemently opposed the bail application and submitted that victim was minor at the time of incident and she has consistently corroborated the version of prosecution during her deposition, hence the applicant is not liable to be released on bail.

Considering the rival submissions of learned counsel for the parties, nature of allegations, gravity of offence and the fact that all aspects of the matter has already been considered while disposal of the first bail application and no new ground has been taken in the

present second bail application, I do not find it a fit case for bail. Hence, the bail application is hereby rejected.

Trial court is directed to expedite the trial and all endeavours be made to conclude the trial expeditiously preferably within a period of eight months after receipt of the certified copy of this order without granting unnecessary adjournment to either of the parties subject to full co-operation by the applicant.

Any observation made above shall not be treated as any finding on the merits of the case and shall not prejudice the trial in any manner.

Order Date :- 4.12.2023
SY