

Court No. - 85

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38250 of 2023

Applicant :- Kapoor Chand

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashok Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Mayank Kumar Jain,J.

Supplementary affidavit filed on behalf of applicant is taken on record.

Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

The present second bail application has been filed on behalf of applicant in Case Crime No. 475 of 2022, under Sections 376, 323, 506 of IPC and 67 (a) I. T Act, Police Station Mauaima, District Prayagraj with the prayer to enlarge the applicant on bail. The first bail application of the applicant was rejected by this Court vide order date 09.02.2022.

It has been argued by learned counsel for the applicant that applicant is innocent and he has been falsely implicated in the present case. It is further submitted that after rejection of first bail application of the applicant the statement of the prosecutrix was recorded before the trial Court. During her cross-examination, she stated that she did not know the mobile number of her husband, therefore, the allegation made in the F.I.R. that applicant forwarded obscene video of the prosecutrix to the mobile of her husband is falsified. It is further submitted that victim was consenting party since she was a major girl. It is further submitted that there is no substantial progress in the trial and applicant is languishing in jail since 03.09.2022 having no criminal history and that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Per contra, the learned Additional Government Advocate has opposed the prayer for grant of bail by contending that victim has corroborated the prosecution version and made specific allegation against the applicant. All the arguments advanced by learned

counsel for the applicant have already been considered by this court while disposal of the first bail application and applicant is not entitled 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 six 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 :- 18.10.2023/AKT