

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40531 of 2023

Applicant :- Rinku Singh

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

Counsel for Applicant :- Sunil Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Today Sri Mridal Mishra, Registrar (Criminal-D) is present in Court and has produced order of the learned Administrative Judge, Ghazipur dated 22.11.2023 alongwith other relevant papers.

2. Perused the aforesaid order of learned Administrative Judge, Ghazipur who found that no notice was dispatched for service to the CJM, Ghazipur in compliance of the order dated 25.09.2023.

3. Earlier also in another case i.e. Criminal Misc. Bail Application No.41734 of 2023 office has not complied the order of the Court within the prescribed time period.

4. Sri Mridal Mishra seeks apology that certainly blunder has been caused on the part of the office where the office has falsely reported that it has sent the notice for service to the CJM, Ballia. Virtually it was not sent to the CJM, Ballia and when appropriate action was taken, it came out that no such notice was sent.

5. In view of above, it transpires that the concerned office official is repeatedly committing the blunder knowingly, intentionally and willingly giving false report that the order of the High Court has been complied with. In this regard Sri

Mridal Mishra has tendered unconditional apology and undertakes that no such fault would happen in future.

6. In view of the apology and assurance that no such fault would happen in future, no action is initiated against the High Court officials.

7. This Court also observes that in the aforesaid circumstances, no action is required to be taken against the CJM, Ghazipur.

8. Heard Sri Sunil Kumar Pandey, learned counsel for the applicant, learned AGA for the State and perused the record.

9. By means of this bail application, applicant seeks bail in Case Crime No.105 of 2022, under Sections 363, 366 IPC and Section 7/8 POCSO Act, Police Station Karanda, District Ghazipur, during the pendency of trial.

10. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case; the FIR has been lodged against unknown person. It is further contended that in the statement recorded under Sections 161 and 164 CrPC the victim has not supported the prosecution version and has stated that she loves the accused; no bad deed has been committed with her; when she came to know about the case, she returned and further she desired to go with the applicant. It is also contended that the victim visited several places alongwith the accused but nowhere she raised any alarm against the applicant. There is no previous criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 05.07.2023. In case, the applicant is released on bail, he will not misuse the said liberty.

11. The prayer for bail has been vehemently opposed by learned

AGA. However, the aforesaid factual aspects could not be disputed by him.

12. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a case for grant of bail. Accordingly, the bail application is allowed.

13. Let the applicant - **Rinku Singh**, involved in the 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 subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

14. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 22.11.2023
Shahroz