

**Court No. - 48**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 42141 of 2023

**Applicant :-** Sonu

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

**Counsel for Applicant :-** Ajay Kumar

**Counsel for Opposite Party :-** G.A.,Abhilasha Singh

**Hon'ble Saurabh Shyam Shamshery,J.**

1. This is second bail application filed by applicant-Sonu in Case Crime No. 149 of 2021, under Sections 363, 366, 376, 323, 504, 506 IPC and 3/4 POCSO Act, Police Station Mau, District Chitrakoot. First bail application for applicant was rejected vide order dated 16.05.2023 by giving following reasons:

*“7. In the backdrop of above discussion on law and submissions made by learned counsel for parties, there is no dispute that victim is a minor girl, who has supported the prosecution case in her statement recorded under Section 164 Cr.P.C. that not only applicant abducted but kept her for few days and repeatedly raped her. Since on the basis of application filed under Section 156(3) Cr.P.C. a direction was passed by Magistrate to lodge FIR, therefore, delay, if any, in lodging FIR is not material. The other submissions raised on behalf of applicant are in the nature of defence, which could not be considered at this stage. The plea of love affair with a minor girl (victim) is unsustainable in view of the judgment passed by Supreme Court in X (Minor) vs. The State of Jharkhand and another (Criminal Appeal No. 263 of 2022), decided on 21.02.2022. Therefore, the applicant, who has abducted a minor girl and committed rape, is not entitled for bail.*

*8. The application is accordingly rejected.”*

2. In pursuance of this Court's order dated 04.10.2023, Trial Court has submitted report that out of five proposed prosecution witnesses one has already been examined. However, it appears that statement of victim has not been recorded till date though it is proposed that within six months trial would be concluded.

3. None appeared on behalf of applicant.

4. In aforesaid circumstances, I do not find that there is any substantial subsequent event to consider this second bail application as well as that till date statement of victim has not been recorded, I do not find any ground to allow this second bail application.

5. The application is accordingly rejected with observation that Trial Court will record statement of victim within two months from today and also take all endeavor to conclude trial within the period proposed in it's report, if there is no legal impediment.

**Order Date :- 29.11.2023**

AK