

Court No. - 48

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42214 of 2023

Applicant :- Raghvendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Lavkush Kumar Bhatt

Counsel for Opposite Party :- G.A., Raj Kumar Singh

Hon'ble Saurabh Shyam Shamshery, J.

1. Heard learned counsel for applicant and perused the record.
2. This is second bail application filed by applicant-Raghvendra Singh in Case Crime No. 170 of 2022, under Sections 376, 452, 506 IPC, Police Station Kampil, District Farrukhabad. First bail application for applicant was rejected vide order dated 16.05.2023 by giving following reasons:

“In the present case, victim herself has lodged an F.I.R. and made specific allegation of rape in F.I.R. and in her statements recorded under Sections 161 and 164 Cr.P.C. Contradictions, if any, appear to be immaterial and it will be subject matter of Trial Court as well as taking note that statement of victim has not been recorded till date during trial and since applicant is neighbour of victim and in case he gets bail, it is likelihood that he will try to influence her.

In these circumstances, I do not find any ground to grant bail to applicant at this stage.

Accordingly, bail application is rejected.

However, Trial Court shall take all endeavour to record statement of victim within a period of three months from today, if there is no legal impediment and thereafter applicant will be at liberty to file a fresh bail application before Trial Court.”

3. In pursuance of this Court's order dated 04.10.2023, Trial Court has submitted report that out of six proposed prosecution witnesses four have already been examined.
4. At this stage, learned counsel appearing for Complainant submits that PW-5 has also been examined.

5. In aforesaid circumstances since only one witness has remained to be examined and trial may be concluded within shortest period as well as considering the nature of statement of victim, I do not find any ground to allow this second bail application.

6. The application is accordingly rejected with observation that Trial Court will take all endeavour to conclude trial expeditiously, preferably within a period of three months from today, if there is no legal impediment.

Order Date :- 29.11.2023

AK