

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44819 of 2023

Applicant :- Manoj Krishna Shastri

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashok Kumar Rai, Pavan Kumar Pandey, Sr. Advocate

Counsel for Opposite Party :- G.A., D.K. Singh

Hon'ble Ajay Bhanot, J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 468 of 2023 at Police Station-Dadri, District-Greater Noida Commissionerate, Gautam Budh Nagar under Sections 354, 376, 504, 506 I.P.C. The applicant is in jail since 31.08.2023.

The bail application of the applicant was rejected by the learned trial court on 10.10.2023.

The following arguments made by Shri Ashok Kumar Rai, learned counsel and Shri Pavan Kumar Pandey, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Dheeraj Kumar Singh, learned counsel for the informant and Shri Rishi Chaddha, learned AGA for the State from the record, entitle the applicant for grant of bail:

1. The applicant is a law abiding citizen who cooperated with the police investigations and had joined the trial.
2. The trial is moving at a snail's pace and shows no

signs of an early conclusion. The applicant is not responsible for the delay in the trial proceedings.

3. Inordinate delay in concluding trial has lead to an indefinite detention of the applicant without there being any credible evidence to implicate him in the offence. Right of the applicant to a speedy trial has been violated.

4. The applicant and the victim were intimate and had consensual physical relations.

5. Besides the applicant and the victim had entered into financial transactions.

6. The FIR is a result of the said relationship going awry.

7. The criminal proceedings are being leveraged to extort money from the applicant.

8. Medical evidence to corroborate commission of rape by the applicant with the victim has not been produced by the prosecution.

9. The applicant does not have any criminal history apart from this case.

10. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or

reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-**Manoj Krishna Shastri** be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence or influence any witness during the trial.
- (ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 7.11.2023

Vandit