

Court No. - 85

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45522 of 2023

Applicant :- Rampat Alias Subhash

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

Counsel for Applicant :- Umesh Chandra Pandey

Counsel for Opposite Party :- G.A.,Aarushi Khare,Ved Prakash Pandey

Hon'ble Mayank Kumar Jain,J.

This is the second bail application. The first bail application was rejected vide order dated 12.05.2023 passed in Criminal Misc. Bail Application No. 16585 of 2023.

Heard learned counsel for the applicant, Mr. Ved Prakash Pandey, learned counsel for the informant, Ms. Arushi Khare and Ms. Subhangi, learned counsel for the High Court Legal Service Committee, learned AGA for the State and perused the record.

The present bail application has been filed on behalf of applicant, who is involved in Case Crime No. 436 of 2022, under Sections 376AB, 377, 323, 506 I.P.C. and Section 5(M)/6 of POCSO Act, P.S. Kalan, District Shahjahanpur.

It is argued by learned counsel for the applicant that the statement of victim and informant were recorded during trial in which they have stated contradictory statement about lodging of the F.I.R. with an inordinate delay. It is further submitted that there was money dispute between the informant and the applicant so he has been falsely implicated in the present case. The applicant is languishing in jail since 22.8.2022. The applicant does not have any criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail.

Per contra learned AGA assisted by learned counsel for the informant vehemently opposed the bail application and submitted that submissions made by learned counsel for the applicant has already been considered at the time of rejection of first bail application.

Having regard to the facts and circumstances of the case, submissions of learned counsel for the parties and and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, I do not find it fit case for bail.

Since the trial court has passed the impugned order after appreciating the evidence available on record, there is no occasion to interfere with the finding of fact recorded by the trial court, hence, the present criminal appeal lacks merit and deserves to be dismissed. However, the trial court is directed to conclude the trial within eight month.

Accordingly, the criminal appeal is dismissed.

Order Date :- 6.12.2023

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