

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 55444 of 2022

Applicant :- Prinsh @ Dhanjay @ Pranshu

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

Counsel for Applicant :- Alok Ranjan Tripathi, Anand Mohan Pandey

Counsel for Opposite Party :- G.A., Chandra Narayan Mishra

Hon'ble Sameer Jain, J.

1. Counter affidavit filed today on behalf of the informant, today in the Court, which is taken on record.
2. Heard Sri Vipul Kumar Mishra, Advocate holding brief of Sri Anand Mohan Pandey, learned counsel for the applicant, Sri Chandra Narayan Mishra, learned counsel for the informant and Sri Pradeep Kumar, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 211 of 2022, under Sections 363, 366, 376(3) IPC and 3 and 4(2) POCSO Act, Police Station Mangalpur, District Kanpur Dehat during pendency of the trial.
4. At the very outset, learned counsel for the informant submits that trial of the case is at the stage of 313 Cr.P.C., therefore, it would not be appropriate to release the applicant on bail at this advance stage of trial.
5. Learned AGA also submits that trial is at its last leg, therefore, it would not be appropriate to release the applicant on bail at this stage, however, he suggests that trial court may be directed to conclude the trial of the case within a specified period of time preferably within three months.
6. Learned counsel appearing on behalf of the applicant also could not dispute the fact that trial is at the stage of Section 313 Cr.P.C.
7. The fact that trial of the case is at advance stage of Section 313 Cr.P.C. is also evident from the order-sheet dated 03.11.2023,

which was produced by learned counsel for the informant during the course of argument, which is taken on record and marked as 'A'.

8. In view of the matter, considering the fact that trial of the case is at its last leg and dates are being fixed for statement of applicant and other accused persons under Section 313 Cr.P.C., I am not inclined to released the applicant on bail at this stage.

9. Accordingly, the instant bail application is rejected without touching the merit of the case on the ground that trial of the case is at advance stage.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

11. However, considering the fact that applicant is in jail for more than a year and all the prosecution witnesses have been examined and trial of the case is at advance stage of Section 313 Cr.P.C., trial court is directed to conclude the trial of the case within a period of three months from the date of production of certified copy of this order strictly as per provision of Section 309 Cr.P.C. on day-to-day basis without granting any unnecessary adjournments to either of the parties, if there is no legal impediment.

Order Date :- 20.11.2023

AK Pandey