

**Court No. - 66**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 55948 of 2022

**Applicant :-** Pradeep Yadav

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

**Counsel for Applicant :-** Awadhesh Kumar Yadav,A.T. Pandey,Shashank Shekhar,Stuti Saini

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

**Hon'ble Ajay Bhanot,J.**

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.283 of 2022 at Police Station-Pharendra, District- Maharajganj under Sections 323, 452, 376 (1) IPC and Section 3/4 of POCSO Act. The applicant is in jail since 08.11.2022.

The bail application of the applicant was rejected by the learned trial court on 22.11.2022

The following arguments made by Shri Shashank Shekhar, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Rishi Chaddha, learned AGA 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 applicant never influenced any witness nor did he tamper with the evidence.

3. As per the chargesheet the prosecution proposes to examine 10 witnesses to bring home the charges. Till date only two prosecution witnesses have been examined.
4. The trial is moving at a snail's pace and is not likely to conclude anytime in the near future. The applicant is not responsible for the delay in the trial.
5. Inordinate delay in concluding trial had led to virtually an indefinite imprisonment of the applicant without there being any credible evidence to implicate him in the offence and violates the rights of the applicant to speedy trial.
6. The victim in her deposition before the trial court has repudiated the prosecution case and has denied any allegation of commission of rape by the applicant with her. The victim has been declared hostile at the instance of the prosecution.
7. Medical evidence to corroborate commission of rape by the applicant with the victim has not been produced by the prosecution.
8. Prosecution evidence does not connect the applicant with the offence.
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- **Pradeep Yadav** 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 :- 17.10.2023**

Dhananjai