

Court No. - 48

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47448 of 2023

Applicant :- Charan Singh

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

Counsel for Applicant :- Ram Ashish Pandey, Sarvesh Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Shyam Shamshery, J.

1. Heard Sri Ram Ashish Pandey, learned counsel for the applicant, Sri A.K.Ojha, learned Brief Holder and perused the record.
2. This is the third bail application.
3. First bail application was rejected vide order dated 23.3.2023 by a reasoned order. Second bail application was dismissed as withdrawn vide order dated 27.10.2023.
4. The applicant has approached this Court by way of filing the present Criminal Misc. Bail Application seeking enlargement on bail in Special Case No.107/2023 in Case Crime No.151/2022, under Sections 323,504,506 and 376 (1) of I.P.C. and Section 3/4 POCSO Act, Police Station-Chaubia, District-Etawah.
5. Learned counsel for the applicant has drawn the attention of this Court towards testimony of the victim to state that there are material contradictions which would be vital and prosecution would fail to prove the case against the applicant beyond reasonable doubt.
6. Aforesaid submissions are opposed by learned Brief Holder who submitted that victim in her examination-in-chief has completely supported the case of prosecution.
7. In the aforesaid circumstances, while considering the third bail application this Court cannot go deep into the examination-in-chief of the victim to state that no case is made out against the applicant.
8. Contradictions, if any, has to be considered by learned Trial

Court and any finding or observation of this Court at this stage would definitely affect case of either of the parties, therefore, I do not find any ground to allow this third bail application.

9. Accordingly, this third bail application is **rejected**. However, learned Trial Court is directed to conclude the trial expeditiously.

Order Date :- 7.11.2023

SB