

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49297 of 2023

Applicant :- Shatrughan Singh

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

Counsel for Applicant :- Puneet Kumar

Counsel for Opposite Party :- G.A,Manisha Chaturvedi

Hon'ble Sameer Jain,J.

1. Sri Imran Khan, learned AGA for the State apprised the Court that notice has been served upon the informant on 05.11.2023. Despite service of notice, none present on behalf of the informant. However, Ms. Sudha Bharti, Advocate holding brief of Ms. Manisha Chaturvedi, learned counsel appearing on behalf of Child Welfare Committee and learned AGA for the State are present.

2. Heard Sri Puneet Kumar, learned counsel for the applicant, Ms. Sudha Bharti, Advocate holding brief of Ms. Manisha Chaturvedi, learned counsel appearing on behalf of Child Welfare Committee and Sri Imran Khan, learned AGA for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 122 of 2022, under Sections 363, 323, 376AB, 307 IPC and 5/6 POCSO Act, Police Station Lalauti, District Fatehpur during pendency of the trial.

4. FIR of the present case was lodged against applicant and according to the FIR applicant after taking the daughter of the informant aged about five years disrobed her and made sexual assault upon her and due to the act of the applicant, victim sustained injuries.

5. Learned counsel for the applicant submitted that entire allegation made against the applicant is totally false and baseless and actually son of the applicant and elder daughter of the informant were in love with each other and only due to this reason, applicant has been made accused in the present matter.

6. He further submits that applicant is about 55 years old man and victim is five years old girl, therefore, it is hard to believe that applicant can commit such act. He further submits that even medical report of the victim does not corroborate the allegation made against the applicant.

7. He further submits that applicant is not having any criminal history and in the present matter he is in jail since 12.05.2022 i.e. for one and half years.

8. Per contra, learned AGA as well as learned counsel appearing on behalf of Child Welfare Committee opposed the prayer for bail and submitted that age of the victim is hardly five years and she in her statement recorded under Section 164 Cr.P.C. categorically stated that applicant after disrobing her, made sexual assault upon her, therefore, allegations made against the applicant are serious.

9. They further submitted that even doctor found abrasion on the neck of the victim and there was also inflammation on her vagina, therefore, considering the nature of allegation and medical report of the victim, applicant should not be released on bail.

10. I have heard learned counsel for the parties and perused the record of the case.

11. However, it appears that applicant in the present matter is in jail since 12.05.2022 i.e. for last one and half years but applicant is about 55 years old man and allegation against him is that he made sexual assault upon the victim, who was hardly aged about five years and when her statement under Section 164 Cr.P.C. was recorded then she categorically stated that applicant firstly disrobed her and thereafter made sexual assault upon her.

12. Further, from the medical report of the victim, it appears that she sustained abrasion and doctor noted inflammation on her vagina.

13. Therefore, considering the facts and circumstances of the case, particularly the age of the victim and allegations made against the applicant, in my view, applicant is not entitled to be released on bail.

14. Accordingly, the instant bail application is rejected.

15. 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.

16. However, considering the fact that applicant is in jail for one and half years, trial court is directed to conclude the trial of the case within a period of nine months from the date of production of certified copy of this order strictly as per provision of Section 35 POCSO Act and Section 309 Cr.P.C., if there is no legal impediment.

17. It is open to the applicant to renew his prayer for bail after stipulated period of nine months, if in the meantime trial of the case could not be concluded subject to the condition that applicant will fully cooperate in the trial of the case.

Order Date :- 30.11.2023

AK Pandey