

Court No. - 48

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47790 of 2023

Applicant :- Sensor Pal

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

Counsel for Applicant :- Ram Babu Tiwari,Ratnesh Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Shyam Shamshery,J.

1. This is second bail application. The first bail application was rejected by a reasoned order dated 22.03.2023 and relevant part thereof is quoted below -:

"8. In the present case, as referred above, there are serious charges against applicant that he committed offence of attempt to rape on a minor girl. Statement of victim recorded under Section 164 Cr.P.C. is specific in this regard. Submission of learned counsel for applicant about good reputation of applicant and that villagers have filed affidavits in his favour, cannot be considered at this stage ignoring statement of victim under Section 164 Cr.P.C."

2. In pursuance of order passed by this Court, trial Court has submitted a status report indicating that out of 8 proposed prosecution witnesses, 4 have been examined including the victim and trial could be concluded expeditiously preferably within a period of one month.

3. Sri Ram Babu Tiwari, learned counsel for applicant submits that father and mother of victim have not supported the case of prosecution as well as that victim herself has not specifically stated about alleged offence as well as that she has not come up with specific statement in her cross-examination.

4. Learned Brief Holder for State has contradicted above submissions.

5. I have carefully perused the examination-in-chief of victim who has not only specifically stated about alleged incident but also confirmed her statement recorded under Section 164 Cr.P.C.

6. In these circumstances, I do not find any ground to grant bail to applicant.

7. Accordingly, bail application is **rejected**.

8. However, trial Court shall take all endeavour to conclude the trial expeditiously, preferably within a period of one and half months from today.

Order Date :- 22.11.2023

Nirmal Sinha