

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6902 of 2023

Applicant :- Sanjay

Opposite Party :- State Of U.P.Thru.Prin.Secy.Home Lko. And 3 Others

Counsel for Applicant :- Ram Chandra Dwivedi,Alok Kumar Srivastava,Raj Kumar

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel appearing for the accused-applicant and Sri Ashwini Kumar Singh, learned A.G.A. for the State.
2. This is second bail application which has been filed seeking bail in FIR No.995/2021, U/s-376-AB, 324, 504, 506 I.P.C. and Section 5(M)/6 of POCSO Act, Police Station-Kotwali City, District- Hardoi.
3. First bail application has been rejected by this Court vide order dated 16.11.2022 passed in Bail No.6262 of 2022 by following order:-

"Heard learned counsel for the applicant as also the learned A.G.A. for the State and perused the record.

The present bail application has been filed under Section 439 Cr.P.C. by the applicant in Case Crime No.-995/2021, U/s-376-AB, 324,504,506 I.P.C. and Section 5(M)/6 of POCSO Act, Police Station-Kotwali City, District- Hardoi.

Allegation against the accused-applicant is of raping the prosecutrix, who was merely 7 years old at the time of incident. The prosecutrix in her statements under section 161 and 164, Cr.P.C. has made specific allegations against the accused-applicant that he lured the prosecutrix on the pretext of giving her toffees and took her in a secluded place and raped her.

Considering the aforesaid facts and the age of the accused-applicant, who is more than 33-34 years old and the age of the victim, who was about 7 years old at the time of incident, this court does not find it appropriate to enlarge the accused-applicant on bail. The bail-application is accordingly rejected."

4. I do not find any change circumstance to enlarge the accused-applicant on bail at this stage. This bail application is rejected. However, learned trial court is directed to expedite the trial and conclude the same preferably within a period of six months subject to full cooperation of the accused-applicant.

(Dinesh Kumar Singh, J.)

Order Date :- 25.5.2023/prateek