

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8157 of 2022

Applicant :- Raees Alam S/O Abdul Kayoom (Second Bail)

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

Counsel for Applicant :- Krishna Mohan Srivastava, Anurudh Kumar Singh, Taufeeq Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel for the accused-applicant as well as Sri Manish Vikram Singh Chauhan, learned A.G.A. and perused the record.
2. This is the second bail application. First bail application got rejected by this Court vide order dated 22.3.2021 passed in Criminal Mic. Bail Application No.3463 of 2021.
3. The present application under Section 439 Cr.P.C. has been filed seeking bail in FIR/Case Crime No.388 of 2020, under Sections 363 and 376 IPC and Section 3/4 POCSO Act, Police Station Mohammadpur Khala, District Barabanki.
4. This Court while rejecting the first bail application of the accused-applicant, passed the following order:-

“Heard learned counsel for applicant as well as learned A.G.A. for the State and perused the record.

This bail application under Section 439 Cr.P.C. has been moved by the accused-applicant/Raees Alam for grant of bail, in FIR No.0388 of 2020, under Sections 363, 376 I.P.C., and Section 3/4 of POCSO Act, Police Station Mohammadpur Khala, District Barabanki.

The FIR came to be registered on a complaint stating therein that niece of the complainant had gone missing on 24.08.2020. The prosecutrix was recovered and subjected to medical examination. As per medical report, her age has been found to be 14 years. As per educational testimonial, the age of the prosecutrix, on the date of incident, was nine years and one month. The accused applicant, who is 20 years of age, took the niece of complainant to Punjab and

established physical relation with her. This fact is clearly evident from her statement recorded under Section 164 Cr.P.C. The medical report also corroborates the allegation of commission of sexual offence committed to the victim by the accused applicant.

Considering the nature of allegation and the age of the victim and role of the accused applicant in establishing physical relationship with a minor, this Court does not find it a fit case for granting bail to the applicant at this stage. Therefore, the present application is rejected at this stage.”

5. There is no changed circumstance, which warrant this Court to enlarge the accused-applicant on bail.

6. Bail application is accordingly ***rejected***.

7. However, the trial court is directed to conclude the trial within a period of six months as the accused-applicant has been in jail since 17.9.2020.

Order Date :- 10.7.2023

Rao/-