

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14568 of 2022

Applicant :- Guddu @ Shyam Swaroop

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

Counsel for Applicant :- Atma Ram Mishra, Anuj Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. In pursuance of earlier order of this Court, a communication dated 08.12.2023 has been sent by the trial court, wherein it is stated that despite efforts made by the police team constituted for this purpose, the whereabouts of the prosecutrix/victim could not be traced and she could not be presented before the trial court for recording of her statement.

2. Thus, this Court is entering upon to adjudicate the bail plea of the applicant on the basis of material collected by the investigating officer, during the course of the investigation.

3. Heard Shri Anuj Kumar, learned counsel for the applicant, learned AGA appearing for the State and perused the record.

4. Having argued at some length, learned counsel for the applicant submits that he does not want to press the instant bail application and the same may be dismissed as not pressed.

5. No objection in this regard is raised by learned AGA for the State.

6. Having regard to the request made by learned counsel for the applicant, the instant bail application is **dismissed as not pressed**.

7. However, liberty is granted to approach this Court again after six months from today.

8. A copy of this order be sent to the trial court for making all out efforts to trace the prosecutrix and get her statement recorded.

9. If the statement of the girl/victim is recorded earlier, then the period mentioned herein before, the applicant in that scenario may approach this Court even before the period of six months

with a copy of the statement of the prosecutrix/victim recorded before the trial court. The rejection of the bail application of the applicant shall not absolve the Commissioner of the Police, Lucknow from its duty to trace the prosecutrix and present her for the purpose of recording her statement before the trial court.

Order Date :- 19.12.2023

Shravan