

**Court No. - 74**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 53601 of 2022

**Applicant :-** Sohdeo

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

**Counsel for Applicant :-** Manvendra Nath Singh, Vipin Gangwar

**Counsel for Opposite Party :-** G.A., Saumya Srivastava

**Hon'ble Ajay Bhanot, J.**

Shri Paritosh Kumar Malviya, learned A.G.A. for the State contends that the police authorities in compliance of the directions issued by this Court in Criminal Misc. Bail Application No. 46998 of 2020 (Junaid Vs State of U.P. and another) reported at 2021 (6) ADJ 511 and with a view to implement the provisions of POCSO Act, 2012 read with POCSO Rules, 2020, have served notices of the bail application upon the the victim as well as the CWC.

Ms. Saumya Srivastava, learned counsel has entered appearance on behalf of the victim on the recommendation made by the CWC to the High Court Legal Services Committee as part of the free legal aid provided to the victim under the POCSO Act.

By means of the second bail application the applicant has prayed to be enlarged on bail in Case Crime No.0021 of 2021 at Police Station-Junawai,

District-Sambhal under Sections 363, 366, 376, 120B, 506 IPC and Section 3/4 of the POCSO Act and Section 67B of the Information Technology Act, 2000. The applicant is in jail since 30.12.2021.

The first bail application of the applicant was rejected by this Court on 15.07.2022.

Trial is on foot. No fresh grounds for grant of bail are disclosed. No further observations which involve the appreciation of evidence shall be made as they may prejudice the trial.

At this stage, no case for bail is made out.

Without going into the merits of the case, the bail application is dismissed.

Learned counsel for the applicant contends that the applicant is in jail since 30.12.2021. The trial is moving at a snail's pace and is not likely to conclude anytime in the near future. Inordinate delay in concluding trial had lead to virtually an indefinite imprisonment of the applicant and violates the rights of the applicant to speedy trial.

The trial court has also to be conscious of the rights of the accused persons and is under obligation of law to ensure that all expeditious, necessary and coercive measures as per law are adopted to ensure the presence of witnesses. Counsels or parties who

delay or impede the proceedings should not only be discouraged from doing so but in appropriate cases exemplary costs should also be imposed on such parties/ counsel.

In the interest of justice, the trial court is directed to conclude the trial within a period of six months from the date of receipt of a certified copy of this order. The learned trial court shall proceed with the trial on a day to day basis to ensure that the above stipulated timeline of six months is strictly adhered to. All witnesses and counsels are directed to cooperate with the trial proceedings.

The learned trial court shall promptly take out all strict coercive measures against all the witnesses in accordance with law who fail to appear in the trial proceeding. Counsels or parties who delay or impede the proceedings should not only be discouraged from doing so but in appropriate cases exemplary costs should also be imposed on such parties/ counsel.

Police and administrative authorities of the State are also directed to ensure that the coercive measures adopted by the court are promptly executed to ensure the presence of the witnesses on the appointed date before the trial court.

The trial judge shall submit a fortnightly report on the progress of trial and the steps taken to comply with this order to the learned District Judge, Sambhal.

A copy of this order be communicated to the learned trial judge through the learned District Judge, Sambhal by the Registrar (Compliance) by FAX.

**Order Date :- 24.1.2023**  
Ashish Tripathi