

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 23834 of 2022

**Applicant :-** Ashish Yadav

**Opposite Party :-** State Of U.P And Another

**Counsel for Applicant :-** Ram Prakash Upadhyay

**Counsel for Opposite Party :-** G.A.,Raj Bahadur Verma

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

Shri Rajmani Mishra, Chairman, Child Welfare Committee, Jaunpur is present before the Court.

The affidavit of compliance has been filed and the same is taken in the record.

The affidavit of compliance discloses that the C.W.C. had taken prompt measures to ensure that the benefits and the protective provisions of the POCSO Act, 2012 read with POCSO Rules, 2020 are implemented without any delay in the service of justice. A recommendation for grant of legal aid was made to the High Court Legal Services Authority on 15.07.2022. Form A and Form B were provided to the C.W.C., Jaunpur on 27.05.2022. The affidavit of compliance on its part has stated that the F.I.R. was lodged prior to the judgement of 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. However, after the orders were passed by this Court, the police authorities took appropriate action and served necessary documents upon the C.W.C. The C.W.C., district-Jaunpur on its part has also recommended for grant of financial

aid/compensation to the victim which has partially been disbursed.

The Court appreciates the assistance of the Chairman, Child Welfare Committee, Jaunpur.

Personal appearance of Shri Rajmani Mishra, Chairman, Child Welfare Committee, Jaunpur is exempted.

The High Court Legal Services Committee, High Court Allahabad has been empanelled counsels to represent the victims. However, it is noticed that very few lady counsels have appeared for the victims.

In such circumstances, the High Court Legal Services Committee, High Court Allahabad is requested to appoint lady counsels to represent the victims especially when the victims are minor girls. Heard Shri Ram Prakash Upadhyay, learned counsel for the applicant, learned A.G.A. and Shri Raj Bahadur Verma, learned counsel who has entered appearance on behalf of the victim/informant on the recommendation made by the CWC to the High Court Legal Services Committee.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No.97

of 2021 at Police Station-Gaurabadshahpur, District-Jaunpur under Section 376 IPC and Section 3/4 of the POCSO Act and Section 3(1)(b) and Section 3(2)(v) of the SC/ST Act, 1989 (amended Act, 2015). The applicant is in jail since 08.06.2021.

The bail application of the applicant was rejected by learned Additional Sessions Judge/Special Judge, POCSO Act (Ananya), Jaunpur on 05.04.2022.

The victim is a speech-impaired person. Considering her disability, there is no delay in lodgment of the F.I.R.

Learned A.G.A. submits that the applicant was named in the F.I.R. and hence, there was no cause for test identification parade. The applicant has been otherwise identified by witnesses.

The offence is grave. The likelihood of the applicant committed the offence is borne out from the records. At this stage no case for bail is made out.

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

Interest of justice will be served by directing the learned trial court to expedite the trial within a stipulated period of time.

The trial court is directed to conclude the trial within a period of one year from the date of receipt of a certified copy of this order. The learned trial court shall proceed with the hearing on a day to day basis to ensure that the above stipulated timeline of one year is strictly adhered to. All witnesses also 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.

Police and administrative authorities of the State are also directed to ensure that the coercive measures adopted by the court are given effect to in a scrupulous manner to ensure the presence of the witnesses on the appointed date before the trial court.

The learned trial judge shall submit a fortnightly report on the progress of trial and the steps taken to ensure that the trial is concluded within a stipulated period of time to the learned District Judge, Jaunpur.

**Order Date :-** 2.8.2022  
Ashish Tripathi