

Court No. - 5

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47223 of 2024

Applicant :- Rajneesh Rai Alias Himanshu Rai Alias Sanne Alias Master Rai

Opposite Party :- State of U.P.

Counsel for Applicant :- Ramesh Chandra Yadav, Santosh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

Matter is taken up in the revised call.

This is the second bail application. The applicant is in jail since 20.03.2024.

The status report sent by the trial court records that the prosecution proposes to examine 20 witnesses to bring home the charges. However, till date not a single witness has been examined.

The status report further records one witness has not appeared before the trial court on the appointed date and the coercive measures in the nature of bailable warrants have been taken out against the said witness.

Superintendent of Police, Deoria shall file a personal affidavit disclosing the cause for failure of the police authorities to compel appearance of the said witness despite issuance of coercive measures and also disclosing prima facie disobedience of the directions of this Court in

Bhanwar Singh @ Karamvir Vs. State of U.P. (Criminal Misc. Bail Application No. 16871 of 2023) & Jitendra v. State of U.P. (Criminal Misc. Bail Application No.9126 of 2023) as well as the orders of the Director General of Police, Government of U.P. and Principal Secretary (Home), Government of U.P. for implementing the said judgments.

Learned counsel for the applicant contends that the directions issued by this Court on 05.09.2024 in Criminal Misc. Bail Application No. 24951 of 2024 have not been complied with by the learned trial court. The trial is moving at a snail's pace and shows no sign of early conclusion. The applicant is not responsible for the delay in the trial proceedings. The prosecution is deliberately delaying the conduct of the trial to prolong the incarceration of the applicant. Inordinate delay in concluding trial will to an indefinite detention of the applicant. The right of the applicant to speedy trial has been violated.

While deciding the first bail application registered as Criminal Misc. Bail Application No.24951 of 2024 this Court had alerted the learned trial court of the right of the accused to speedy trial. Various directions were also made upon the learned trial court to expedite the trial and to implement the mandate of Section 309 Cr.P.C./346 BNSS.

Prima facie, it appears that the directions of this Court

have not been complied with and this is a rather distressing state of affairs. Disobedience of orders of this Court by the learned trial court strikes directly at the root of the rule of law.

Learned District Judge shall examine the matter and send a report regarding prima facie disobedience of the aforesaid directions of this Court by the learned trial court and the cause for the delay in concluding the trial.

Learned trial court to send a separate report regarding the compliance of the said directions of this Court and cause for the delay in the trial and shall disclose the status of the trial in Case Crime No.132 of 2023 under Sections 302, 397, 34 I.P.C., Police Station Bankata, District-Deoria along with the following details in tabulated form:-

- (1) Dates on which chargesheet was filed and the charge was framed.
- (2) Number of prosecution witnesses in the chargesheet.
- (3) Number and particulars (i.e. name, nature of witness like eye witness and expert witness etc.) of prosecution witnesses proposed to be examined as per the charge sheet.
- (4) List of proposed prosecution witnesses/calendar submitted before the trial court for examination during the trial.
- (5) Names and number of prosecution witnesses who have

been examined before the trial court with dates.

(6) Names and number of witnesses who have been summoned but have not attended the trial proceedings on the appointed dates with dates.

(7) Names and number of witnesses against whom coercive measures have been taken out with dates.

List this case on 24.07.2025.

Needless to add, none of the above observations shall be construed adversely against any judicial officer unless the District Judge comes to another conclusion.

A copy of this order be communicated to the learned trial judge through the learned District Judge, Deoria by the Registrar (Compliance) by e-mail.

Order Date :- 16.4.2025

Dhananjai