

Court No. - 45

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 19176 of 2025

Applicant :- Ramdev

Opposite Party :- State of U.P.

Counsel for Applicant :- Satyam Mishra, Shailendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

Heard Sri Satyam Mishra, learned counsel for the applicant learned counsel for the applicant and learned A.G.A for the State.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 5 of 2025 at Police Station Utraon, District Prayagraj under Sections 74, 352, 351(2), 64(1) B.N.S. and Section 67A I.T. Act. The applicant is in jail since 09.01.2025.

The bail application of the applicant was rejected by learned trial court on 23.04.2025.

The applicant has been identified as the principal offender who committed the offence. The indecent photographs of the victim were circulated by the applicant on what's app. Some of the images had been recovered and sent for examination before the FSL. The FSL report is awaited. The offence is grave. There is likelihood that the applicant had committed the offence. At this stage, no case for bail is made out.

Digital technology is altering the face of crime. Indecent

pictures of a person when circulated on public platforms by social media can destroy lives. This is the hard social reality. The offenders have to be booked and the trial had to be concluded in expeditious time frame.

The learned District Judge is directed to take weekly reports of the progress of the trial. The concerned Deputy Director, Forensic Science Laboratory to ensure that the FSL report is produced before the trial court within a period of two months.

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

However, in the interest of justice and considering the nature of the offence, this Court deems it appropriate to direct the learned trial court to conclude the trial in an expeditious time frame.

Though no specific time frame to conclude the trial has been set out in the Cr.P.C., yet the legislative intent of Section 309 Cr.P.C. is explicit. The scheme of the provision clearly shows that the legislative intent is to conclude the trial in an expeditious time frame. In the facts of this case, the learned trial court shall make all endeavours to conclude the trial preferably within a period of one year from the date of receipt of a certified copy of this order.

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.

All witnesses and counsels are directed to cooperate with the trial proceedings.

The learned trial court shall issue summons by regular process as per Section 62 Cr.P.C. and also by registered post as provided under Section 69 Cr.P.C. to expedite the trial.

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.

The police authorities shall ensure that warrants or any coercive measures as per law taken out by the learned trial court to ensure that the attendance of the witnesses are promptly executed.

The Commissioner of Police, Prayagraj shall file an

affidavit before the trial court on the date fixed regarding status of execution of the warrants/service of summons taken out by the learned trial court.

The delay in the trials caused by the failure of the police authorities to serve summons or execute coercive measures to compel the appearance of witnesses at the trial despite a statutory mandate, is an issue of grave concern. The said issue had arisen for consideration before 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)** and was decided by the judgements dated 24.08.2023 & 20.12.2023 respectively. This Court in **Bhanwar Singh @ Karamvir (supra) & Jitendra (supra)** had issued certain directions to the police authorities regarding their statutory duty to promptly serve summons and execute coercive processes to compel the appearance of witnesses.

The Director General of Police, Government of U.P. as well as Principal Secretary (Home), Government of U.P. had taken out relevant orders in compliance of judgements in **Bhanwar Singh @ Karamvir (supra) & Jitendra (supra)** and nominated the Senior Superintendent of Police of the concerned districts as the nodal officials for implementing the said judgments.

The counsels as well as the learned trial court are directed

to comply with the directions issued by this Court in **Noor Alam Vs. State of U.P. rendered in Criminal Misc. Bail Application No. 53159 of 2021**. In case any strike happens during the course of the trial, the learned trial court is directed to ensure full compliance of the directions issued in **Noor Alam (supra)** to prevent delay in the trial.

In case the police authorities are failing to comply with the directions issued by this Court in **Bhanwar Singh @ Karamvir (supra) & Jitendra (supra)** and do not implement the said directions of the Director General of Police, Government of U.P. & the Home Secretary, Government of U.P. in regard to service of summons and execution of coercive measures to compel the appearance of witnesses, the learned trial court shall direct the concerned Senior Superintendent of Police to file an affidavit in this regard.

The learned trial court shall be under an obligation to examine whether the judgements of this Court in **Bhanwar Singh @ Karamvir (supra) & Jitendra (supra)** as well as directions of Director General of Police, Government of U.P. & the Home Secretary, Government of U.P. issued in compliance thereof have been implemented or not and to take appropriate action as per law.

The learned trial court shall also take appropriate

measures in law after receipt of such affidavit which may include summoning the concerned officials in person.

It is further directed that in case any accused person who has been enlarged on bail does not cooperate in the trial or adopts dilatory tactics, the learned trial court shall record a finding to this effect and cancel the bail without recourse to this 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.

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

Order Date :- 2.6.2025

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