

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46947 of 2024

Applicant :- Sachin Gupta

Opposite Party :- State of U.P.

Counsel for Applicant :- Durga Prasad Singh

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Durga Prasad Singh, learned counsel for the applicant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 734 of 2023, under Sections 376, 506 I.P.C. and 66C, 67A I.T. Act, Police Station- Gorakhnath, District- Gorakhpur, during the pendency of trial.
4. This is the second bail application on behalf of the applicant. The first bail application was rejected by this Court vide order dated 5.9.2024 passed in Criminal Misc. Bail Application No.7801 of 2024.
5. Learned counsel for the applicant has stated that the applicant is languishing in jail since 2.12.2023, as such, he is incarcerated in jail for more than one and half years and there is no likelihood of conclusion of trial in near future as only two witnesses have been examined to date. As such, the fundamental rights of the applicant enshrined under Article 21 of the Constitution of India stand violated. There is no criminal antecedent of the applicant. He is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Per contra, learned A.G.A. has vehemently opposed the bail application.
7. After hearing learned counsel for the parties and taking into consideration that there is no new ground for pressing the instant bail application except the period of incarceration, I do not find it a fit case for grant of bail to the applicant.
8. The present bail application is hereby found devoid of merits and is accordingly ***rejected***.

9. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

11. After this order was passed, learned counsel for the applicant kept on arguing his case and is adamant that the case of the applicant is of bail.

12. Justice underscores the dual responsibilities of Advocates in a Court of Law. While they must diligently represent and look after the interests of their clients, they also have an onerous duty to maintain a respectful and conducive environment in the courtroom. Advocates should assist the Court rather than cause disruptions, ensuring that the proceedings are orderly and respectful, which ultimately upholds the dignity of the judicial process.

13. The counsel for the applicant not only continued to argue the case after the order had been passed in open Court but also caused a disturbance and disrupted the proceedings. This behavior is considered criminal contempt of Court, as it undermines the authority and decorum of the judicial process, but this Court is desisting from initiating contempt proceedings. No litigant is permitted to interfere in the proceedings of the Court after passing of the order.

14. The said attitude of the counsel for the applicant is deprecated.

Order Date :- 21.7.2025

Vikas

(Justice Krishan Pahal)