

Rahul Seth vs State Of U.P. on 2 January, 2025

Author: Ashutosh Srivastava

Bench: Ashutosh Srivastava

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:307

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43472 of 2024

Applicant :- Rahul Seth

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar Srivastava, Shivangi Bhargava

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava, J.

Heard Ms. Shivangi Bhargava, learned counsel for the applicant, Shri D.P.S. Chauhan, learned AGA for the State-respondents and perused the record.

The present bail application under Section 439 Cr.P.C. has been filed on behalf of applicant Rahul Seth under Section 439 of The Code of Criminal Procedure, with a prayer to release him on bail in Case Crime No. 335 of 2024, under Section 3(1) Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986, registered at Police Station Bhelupur, District Varanasi, during pendency of the trial.

It has been submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case due to ulterior motive. In gang-chart annexed as Annexure No. 3,

two criminal cases have been shown and in both the cases, the applicant is on bail.

Learned counsel for the applicant submits that co-accused Anushka Tiwari has already been enlarged on bail by co-ordinate Bench of this Court on 19.12.2024 in Criminal Misc. Bail Application No. 44489 of 2024.

It is further submitted that the applicant is not a member or leader or organizer of a gang and he has not abetted or assisted in the activities of a gang as enumerated in clause (b) of Section 2 of the Act. Applicant has no criminal history except the aforesaid case. It is next submitted that there is also no possibility of the applicant either fleeing away from the judicial process or tampering with the witnesses. The applicant, who is languishing in jail since 2.9.2024, undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant, but has not pointed out any other case against the applicant except the cases shown by learned counsel for the applicant.

Upon considering the totality of facts, nature and the evidence reflected from record and also taking into consideration the provision of Section 19(4) of the Act and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is allowed.

Let applicant, Rahul Seth be released on bail in the aforesaid case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions-

- (i) The applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
- (ii) The applicant shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 of Cr.P.C.
- (iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.
- (v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

Order Date :- 2.1.2025 Ravi Prakash (Ashutosh Srivastava, J.)