



2026:AHC:167209

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9072 of 2026

Rahul Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anand Kumar Tripathi,
Anup Kumar Khare
Counsel for Opposite Party(s) : G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Counter affidavit, filed by Sri S.S. Pandey, learned AGA for the State, is taken on record.
2. Heard Sri Abhay Goswami, Advocate holding brief of Sri Anand Kumar Tripathi, learned counsel for the applicant, Sri S.S. Pandey, learned A.G.A. for the State and perused the record.
3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 0035 of 2025, under Sections 318(2), 319(2), 308(6), 338, 3(5) and 111(4) B.N.S., and Section 66-C and 66-D of the Information and Technology Act and 20/21 of Indian Telegraph Act, Police Station- Cyber Crime Police Station, District- Fatehpur, during pendency of the trial.
4. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. The mobile number from which calls and video calls were made to the informant does not belong to the applicant. One of the mobile numbers, bearing 9027961183, was issued in the name of one Sahiba Parveen. It is contended that the applicant being an agent of Jio, had provided

the aforesaid sim to Sahiba Parveen after completion of requisite formalities. It is further submitted that no amount relating to the alleged transaction was credited in the bank account of the applicant. The applicant is not a beneficiary of any illicit transaction. The case of the applicant is distinguishable from that of co-accused Akash, Sarthak Grover, Santosh Kumar and Rahul Sharma. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant is neither a member of any organized crime syndicate nor he acted on behalf of such syndicate. The applicant is in jail since 13.12.2025 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

5. Learned A.G.A. for the State opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report. No amount relating to the alleged transaction was credited in the bank account of the applicant. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Further the applicant has presently remained confined for almost eight months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Rahul Kumar** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

August 10, 2026
S.S.

(Vivek Varma,J.)