



2026:AHC:27610

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44377 of 2025

Ravi Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Praveen Kumar Singh, Syed Imran Ibrahim

Counsel for Opposite Party(s) : Anuj Kumar Gupta, G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Syed Imran Ibrahim, learned counsel for the applicant, Shri M. C. Chaturvedi, learned AAG and Senior Counsel assisted by Shri Sanjay Kumar Singh, learned AGA for the State as also Shri Anuj Kumar Gupta, learned counsel for the first informant and perused the record.

The instant 2nd bail application under Section 483 of BNSS on behalf of applicant Ravi Yadav has been filed seeking enlargement on bail in Case Crime No. 72 of 2025, under Sections 103 (1), 61 (2), 123, 333, 352, 111 (2) (a) of BNS, Police Station Junawari, District Sambhal, during the pendency of the trial before the Court below. The 1st bail application of the applicant was rejected by this Court vide order dated 22.9.2025 and the applicant is languishing in jail since 25.3.2025.

Shri Syed Imran Ibrahim, learned counsel for the applicant while pressing the 2nd bail plea on behalf of the applicant vehemently submits that the trial of the applicant is being unnecessarily delayed and the delay is not attributable to the applicant. Learned counsel for the applicant submits that the FIR giving rise to the case crime number in question does not raise any allegations against the applicant. The co-accused Dharamveer alias Dhama has been assigned the role of injecting the deceased with arsenic poison and the name of the applicant and co-accused Dr. Mukesh Yadav, Mahesh Yadav has surfaced as conspirators. The applicant has been roped in this very case on account of political rivalry inasmuch as the applicant and the informant had contested the elections of Block

Pramukh and the applicant had won while the informant had lost. However, on the incarceration of the applicant in jail, the informant has become the Block Pramukh. The trial is being delayed deliberately at the instance/influence of the informant. Learned counsel for the applicant contends that charge sheet against the applicant was filed on 20.6.2025 and cognizance was taken on 21.6.2025, however, till date the charges have not been framed and the case has not been committed for trial and the case is unnecessary being adjourned on one pretext or the other. The order sheet of the trial proceedings have been brought on record by way of supplementary affidavit dated 14.12.2025. Learned counsel for the applicant next contends that the applicant is not at a flight risk and shall extend all cooperation in the trial and shall not misuse the liberty of bail, if released. Hence, bail has been prayed for.

Per contra, Shri M. C. Chaturvedi, learned AAG/Senior Counsel appearing for the State as also Shri Anuj Kumar Gupta, learned counsel for the first informant opposing the bail plea submits that no fresh grounds exist for consideration of the 2nd bail plea and the applicant deserves no indulgence and the bail application warrants outright rejection.

I have heard the learned counsel for the parties and given my thoughtful consideration to the submissions advanced. From the perusal of the order sheet of the trial proceedings the contentions of learned counsel for the applicant is made out.

In the case of ***Hussainara Khatoon versus Home Secy. State of Bihar***, reported in ***1980 (1) SCC 81***, the Apex Court declared that the right to speedy trial of offenders facing criminal charges is implicit in the broad sweep and content of Article 21 of the Constitution. The Apex Court went on to observe as under:-

"Now obviously procedure prescribed by law for depriving a person of liberty cannot be "reasonable, fair or just" unless that procedure ensures a speedy trial for determination of the guilt of such person. No procedure which does not ensure a reasonably quick trial can be regarded as "reasonable, fair or just" and it would fall foul of Article 21. There can, therefore, be no doubt that speedy trial, and by speedy trial we mean

reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21. The question which would, however, arise is as to what would be the consequence if a person accused of an offence is denied speedy trial and is sought to be deprived of his liberty by imprisonment as a result of a long delayed trial in violation of his fundamental right under Article 21."

The aforesaid observations have resonated, time and again, in several judgments, such as ***Kadra Pahadiya & Ors. v. State of Bihar reported in (1981) 3 SCC 671*** and ***Abdul Rehman Antulay v. R.S. Nayak reported in (1992) 1 SCC 225***. In the latter the court re-emphasized the right to speedy trial, and further held that an accused, facing prolonged trial, has no option:

"The State or complainant prosecutes him. It is, thus, the obligation of the State or the complainant, as the case may be, to proceed with the case with reasonable promptitude. Particularly, in this country, where the large majority of accused come from poorer and weaker sections of the society, not versed in the ways of law, where they do not often get competent legal advice, the application of the said rule is wholly inadvisable. Of course, in a given case, if an accused demands speedy trial and yet he is not given one, may be a relevant factor in his favour. But we cannot disentitle an accused from complaining of infringement of his right to speedy trial on the ground that he did not ask for or insist upon a speedy trial."

It is well settled that if the State or any prosecuting agency including, the court concerned has no wherewithal to provide or protect the fundamental right of an accused, to have a speedy trial as enshrined under Article 21 of the Constitution, then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

The right to speedy trial, enshrined under Article 21 of the Constitution, is

not eclipsed by the nature of the offence. Prolonged incarceration of an undertrial, without commencement or reasonable progress of trial, cannot be countenanced, as it has the effect of converting pretrial detention into form of punishment. Economic offences, by their very nature, may differ in degree and fact, and therefore cannot be treated as homogeneous class warranting a blanket denial of bail.

The charge sheet brought on record reveals that the prosecution proposes to record the evidence of 32 witnesses to drive home the charges against the applicant. None have been examined so far rather the case has yet not been committed for trial. The applicant does not appear to be the principal offender.

In such view of the matter, the Court is of the opinion that further detention of the applicant pending trial is not necessary. Accordingly, the bail application is ***allowed***.

Let the accused-applicant, **Ravi Yadav**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

January 22, 2026
Ravi Prakash