

HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Bail Application No.336 of 2025

Subham SoniApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. Krishna Sharma, Advocate for the applicant.

Mr. Rakesh Negi, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

The applicant is in judicial custody in FIR No.25 of 2024, dated 29.08.2024, under Sections 323, 326-A, 504, 506 IPC, Police Station Tharali, District Chamoli. He has sought his release on bail. It is second bail application of the applicant. His first bail application has already been rejected on 31.12.2024.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, on 26.06.2024 at 09:00 p.m., the applicant along with co-accused did *maar-peat* with the injured and poured acid on him, due to which, he sustained injuries. His stomach, groin area and peri-anal region sustained injuries.

4. Learned counsel for the applicant submits that after rejection of first bail application witnesses have already been examined in trial and the change circumstances make out the case for bail. He would submit that, in fact, the place of incident has not been established and it *per se* a ground for bail.

5. He would refer to the statement of PW1, the mother of the victim, who in para 14 of her statement has stated that her house and shop are at some distance and in para 20 she states that the incident took place near her house, in the house of her brother-in-law, whereas PW2, the injured himself has stated that at the time of incident he was asleep near the staircase of his house. It is argued that as per the FIR, the incident took place in front of the shop of the victim when the victim was asleep on the bonnet of his car in an intoxicated state.

6. This factual narration is not disputed by the learned State Counsel, but he submits that the applicant had intention and knowledge.

7. It is the stage of bail. Much of the discussion at this stage is to be avoided. To the extent of appreciating the controversy the matter may be examined with the caveat that any observation made at this stage shall have no bearing at any subsequent stage of the case.

8. As per FIR, the place of incident was in front of the shop, whereas there were different version in the statements given by PW1, the mother of the victim and PW2, the injured. It will find deliberation during trial, but it makes out the case for bail.

9. Having considered these facts and circumstances and other attending factors, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

10. The bail application is allowed.

11. Let the applicant be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

(Ravindra Maithani, J.)
23.03.2026

Sanjay