



2026:AHC:129027

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 8480 of 2026

Sunil Kumar Alias Sani Alias Sunil Gautam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Ravi Kant, Vatsala
Counsel for Opposite Party(s)	: Parth Sharma, Sanjay Vikram Singh, G.A.

With

Criminal Misc. Bail Application No.11355 of 2026 (Praveen Vs. State of U.P.)

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Ms. Vatsala, learned counsel for the applicants, Sri Parth Sharma, learned counsel for the first informant and Sri Prashant Kumar Singh, learned A.G.A. for the State of U.P.
2. Since both the bail applications arise out of the same case crime number, they are being decided by this common order.
3. The instant bail applications have been filed seeking release of the applicants on bail in Case Crime No.87 of 2024, under Sections 326-A, 302, 504 and 506 I.P.C., Police Station- Hasayan, District- Hathras.
4. As per the prosecution case, the applicants and two others were named in the FIR dated 31.03.2024, wherein it is alleged that the informant's brother, Gaurav, was done to death by the accused persons using a sharp-edged weapon. It is also alleged in the FIR that the accused persons threw acid on the informant's brother and fled from the spot. On 02.04.2024, the Investigating Officer recorded the statement of the first informant under Section 161 Cr.P.C., wherein he reiterated the version of the FIR but could not hand over the clothes of the injured/deceased. The injured was medically examined on 31.03.2024 at 7:40 A.M., and superficial to deep burn injuries

were noticed on his body. However, no injury, caused by a sharp-edged weapon, was found on the body of the injured. The injured succumbed to his injuries, and the post-mortem report was prepared on 31.03.2024. Superficial to deep burn injuries were noted in the post-mortem report. However, the cause of death could not be ascertained, and therefore, the viscera was preserved.

5. The Investigating Officer recorded the opinion of the doctor who prepared the post-mortem report, who stated that there was no evidence of any injury caused by a sharp-edged weapon and that no acid attack marks were present on the clothes of the deceased. As per the Expert Report/State Medico-Legal Cell Report, the deceased had committed suicide. A secondary opinion was also obtained, wherein it was opined that the cause of death of the deceased was suicidal poisoning. The Investigating Officer filed a closure report in favour of the applicants on the ground that the cause of death of the deceased was poisoning (Aluminium Sulphate) and that none of the allegations levelled in the FIR were found to be true. Thereafter, the first informant filed a protest petition, and the applicants were summoned by the learned Chief Judicial Magistrate, Hathras, vide order dated 07.01.2025.

6. Being aggrieved by the aforesaid order, the applicants filed an Application U/S 528 BNSS No.5595 of 2025, before this Court, and the impugned order dated 07.01.2025 was set aside by this Court vide order dated 15.05.2025. This Court further remitted the matter for reconsideration. Thereafter, the learned Magistrate revisited the material on record and again summoned the applicants to face trial vide order dated 20.08.2025.

7. In pursuance of summoning order dated 20.08.2025, the applicants are in jail.

8. It is contended by the learned counsel for the applicants that the applicants have been falsely implicated on account of previous enmity. Earlier, a false case, being Case No. 02 of 2023, under Sections 328, 342, 363, 366, 376, and 34 of the I.P.C. and Section 5(m)/6 of the POCSO Act, Police Station Sikandrara, District Hathras, was lodged against the applicants, and they were granted bail therein. In order to nullify the bail order passed in the earlier case, the present false case has been lodged against the applicants. It is further contended that the post-mortem report is not supported by the ocular version. It is alleged that the injuries were caused by a sharp-edged

weapon, but no injury caused by a sharp-edged weapon was noticed on the body of the deceased. The second allegation is that the applicants threw acid upon the deceased. However, superficial to deep burn injuries were noticed, but they were not the cause of death. The deceased consumed poison, as a result of which he died, but false allegations have been levelled against the applicants. The doctors have opined and confirmed that the cause of death was poisoning due to Aluminium Sulphate. No one has alleged that the poison was administered by the applicants. It is further contended that the matter has already been investigated, and the applicants have been summoned, and no useful purpose would be served by keeping them in jail. When the deceased was brought to the police station, he was alive but was in a state of panic, and saliva-like foam was coming from his mouth, which is a sign of poisoning. Therefore, the Investigating Officer rightly and correctly submitted the final report in favour of the applicants. It is further contended by the learned counsel for the applicants that applicant-Sunil Kumar alias Sani alias Sunil Gautam has been languishing in jail since 08.12.2025, and applicant- Praveen has been languishing in jail since 11.03.2026, and in case, they are released on bail, they will not misuse the liberty of bail and will cooperate in trial.

9. Per contra, learned A.G.A. and learned counsel for the first informant have opposed the prayer for grant of bail to the applicants and submitted that there is ample evidence against the applicants regarding their involvement in the offence, therefore, they are not entitled to be released on bail. It is further contended by the learned counsel for the first informant that the post-mortem report and other forensic reports were manipulated by the applicants. The applicants and other co-accused threw acid upon the deceased, as a result of which he died. Several acid burn injuries were found on the person of the deceased. The Investigating Officer was hand in glove with the applicants, and therefore, he submitted the final report in this case.

10. I have heard the rival submissions advanced by the learned counsel for the parties and perused the record.

11. Upon perusal of the post-mortem report, it is manifest that the deceased did not die due to acid burns. No injury caused by a sharp-edged weapon was found on the person of the deceased. The Investigating Officer, after obtaining the opinion of the expert, submitted the final report in this case. The doctors stated that the death was caused by the self-consumption of

Aluminium Sulphate by the deceased. There is no allegation against the applicants that they administered Aluminium Sulphate to the deceased. Applicant Sunil Kumar alias Sani alias Sunil Gautam has been languishing in jail since 08.12.2025, and applicant Praveen has been languishing in jail since 11.03.2026.

12. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicants, and without expressing any opinion on the merits of the case, this Court finds that the applicants have made out a case for grant of bail.

13. Accordingly, the bail applications are **allowed**.

14. Let the applicants- **Sunil Kumar alias Sani alias Sunil Gautam** and **Praveen**, who are involved in the aforementioned case crime be released on bail on their furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicants shall remain present before the Trial Court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the Trial Court may proceed against them under Section 229-A IPC/ 269 B.N.S.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C./ 84 B.N.S.S., may be issued and if applicants fail to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against them, in accordance with law, under Section 174-A IPC/ 209 B.N.S.

(iv) The applicants shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./ 351 of B.N.S.S. If in the opinion of the Trial Court absence of the applicants are deliberate or without

sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

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

16. It is made clear that observations made in granting bail to the applicants shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 24, 2026
Radhika