

MHTH060003762026



ORDER BELOW EXH.6 IN SESSIONS CASE NO.68/2026
(Badal Patel V/s. State of Maharashtra)

1. This is second bail application filed by the applicant for seeking regular bail through this application under Section 483 of BNSS in connection with Cr.No.I-443/2025 registered with Ulhasnagar Police Station, for the offence punishable under sections 109, 118(1), 351(3), 115(2), 352, 3(5) of BNS, under Sections 3 and 7 of Criminal Reforms Act and under Section 37(1) (3), 135 of Maharashtra Police Act.
2. Heard Ld. Advocate for the applicant and Ld. APP.
3. It is the case of prosecution that, on 02.05.2025 at about 9.00 p.m., the complainant's friend Sanjay Bhimrao Talwar and Nadeem Shaikh were standing next to an auto rickshaw at Shahad Phatak, Ulhasnagar. At about 9.30 p.m. complainant arrived there, thereafter they all had tea and were standing in front of Prakash Wines, Ulhasnagar-1. At that time applicant began starting at the complainant and challenged him by asking "why are you looking at me for"? When the complainant did not respond, the applicant became angry and started abusing him saying that "don't you know who Badal Bhai is?". Then applicant pushed and assaulted complainant and his friend Nadeem who was standing beside him. The complainant's

friend Sanjay and Prakash tried to intervene and stop the quarrel, urging the applicant not to fight. At that time, another person Prem Jaroliya arrived there and without listening to anyone, abusing everyone present there.

4. It is the further story of prosecution that applicant pulled out a knife from his waist saying “Now I will show you who Badal Bhai is” and attacked the complainant on his head with knife, causing him to fall to the ground. While applicant continued to assault, the complainant raised his right hand to protect himself and sustained injury near his finger, Nadeem pushed the applicant. Meanwhile Jaroliya took a knife and stabbed Nadeem in the back. As the Nadeem was struggling with Prem, the applicant approached him from behind and stabbed Nadeem in the left side of his chest and on the right side of his head with the knife he was holding. When the complainant’s friends Sanjay and Prakash, along with other people nearby intervened to rescue complainant and his friends, seeing them the applicant threw knife into the air towards them while shouting “I am the Bhai of this area, remember my name, if you mess with me, you won’t leave alive”. This created terror among the public. Prem Jaroliya then fled away from the spot. Hence, FIR came to be filed against the applicant.

5. It is contended by the applicant that he is innocent, has been falsely implicated in the present crime and has not committed any such offence. Injury certificate shows that the injury is simple in nature, as such the case does not fall within

the ambit of Section 109 of BNS. It is also contended by the applicant that as per FIR is concerned, it clearly shows that the informant is exaggerated his statement roped on more accused Prem Jaroliya and later on during the investigation it reveals that he is not involved in the said offence. Nothing incriminating is recovered or discovered at the instance of applicant. Injured is already discharged and is attending his daily pursuit. Investigation is completed and chargesheet has been filed. He is ready to abide each and every conditions imposed upon him while releasing him on bail.

6. Prosecution resisted the application by filing say at Exh.7 on the ground that the offence is serious in nature. The applicant has played the active role. After commission of offence, the applicant has thrown the knife in air in order to create terror in the locality. One of the accused is still absconding, therefore, investigation in regard to the said accused is still going on. Applicant is the habitual offender. The applicant was also extenderd u/s.107 of Cr.PC for two years. The applicant and the complainant and witnesses are residing in the same vicinity, therefore,there is a possibility of repetition of crime and tampering with the evidence. Therefore, applicant do not deserve bail.

7. It is argued by Ld. Advocate for the applicant that the earlier bail application was rejected on 12.02.2026. This bail application has been filed on the basis of change in circumstances. According to the Ld. Advocate for the applicant

the co-accused Mohd. Rafiq Shaikh has been released on interim anticipatory bail by the Hon'ble High Court in ABA No.1929/2026. Therefore, applicant is seeking bail on the ground of parity.

8. It is further argued by Ld. Advocate for applicant that there was no pre-planning. The injury sustained by complainant is simple in nature. Therefore, according to the Ld. Advocate for applicant Section 307 of IPC is not applicable.

9. On the other hand, it is argued by Ld. APP that there is no change in circumstances. The knife has been recovered.

10. Ld. APP relied upon the statement of the injured witness Nadeem Shaikh. As per the medical certificate the said injured witness has sustained stab injuries on right axilla and left parietal region.

11. Ld. APP Has relied upon the City Scan report of the injured issued by Heet Diagnosed Center wherein it is contended that the fracture is noted at left side 6th rib with associates soft tissue swelling. As per the X-ray report Subcutaneous emphysema was noted along left lateral chest wall.

12. Ld. APP has further relied upon the discharge summary of injured issued by Max Life Hospital. As per this document, the injured was admitted in this hospital on 03.05.2025 and wad discharged on 08.05.2025. As per this document, the patient was taken primary treatment from Central Hospital including stitches and transfer to Max Life Hospital for further care and treatment.

13. Ld. APP has further relied upon the X-ray report of the injured wherein it is stated that “air noted under the subcutaneous tissues/striated lucencies in the soft tissue of overlying left hemithorax likely suggestive of surgical emphysema.

14. Ld. APP has further relied upon the CCTV footage and argued that the said CCTV the applicant is seen assaulting the witness and was also seen running away from the spot after the incident. Ld. APP Has also relied upon the statement of witness recorded under section 183 of BNSS. As per the statement of the said witnesses recorded under Section 183 of BNSS there is danger to their life.

15. Ld. Advocate for the applicant has produced the copy of interim anticipatory bail order passed by the Hon’ble High Court in ABA No.1929/2026.

16. Considering the role played by the present applicant, I find that the role played by the present applicant is different and more serious than the role played by co-accused Rafiq Shaikh. Therefore, in my opinion wit due respect the present applicant is not entitled bail on the ground of parity.

17. It is further argued by LD. Advocate for applicant that he is 23 years old. His wife is 20 years old. The applicant’s child has a hole in his heart. The NGO are providing monetary help for the treatment of his child. Ld. Advocate for the applicant has produced the photographs of his child, the medical

papers. On perusal of this medical papers it is seen that there is no mentioned about the date on these medical papers.

18. Considering seriousness of the crime and the apprehension shown by the prosecution, I find that the aforesaid medical reason of the child of the applicant is not sufficient reason to allow this second bail application. Hence, I proceed to pass following order:-

ORDER

Application is rejected.

Dt. 12.08.2026
Kalyan

(P. F. Sayyad)
Additional Sessions Judge,
Kalyan