



Cri. Bail Application No. 109 / 2026
Shaikh Javed Vs. State

Order below Exh. 1 In Criminal Bail Application No. 109 / 2026
(Passed On : 06.07.2026)

1) The applicant / accused namely i) Shaikh Javed Vazir and ii) Shaikh Samir Shaikh Matin have moved this application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita (for short “the BNSS”) for seeking anticipatory bail in connection with Crime No. 92 / 2026 which is registered against them and others at Sindkhed Raja Police Station, Tq. Sindkhed Raja, Dist. Buldhana as per offences punishable under Sections 109, 352 r/w Section 3 (5) of the Bhartiya Nyaya Sanhita (For short “the BNS”).

2) The informant Shaikh Shabir Mohammad Shabbir, a resident of new Jalna, Tq. Dist. Jalna, has lodged the First Information Report against the accused in connection with Crime No. 92 / 2026 of Sindkhed Raja Police Station and investigation of the said crime is handed over to Shri. Hemant Shinde, Assistant Police Inspector of Sindkhed Raja Police Station.

3) It is the case of prosecution that the informant is a husband of the injured (Najiya Parvin). Shaikh Rizwan, (main accused) is ex-husband of the injured. A divorce took place between him and the injured and thereby their marriage came to be dissolved. The injured has one son namely Abusath and daughter Aayja from the Shaikh Rizwan. Aayja has been residing with the Shaikh Rizwan at Sindkhed Raja. After divorce, the informant married with the injured on 26.01.2026. Since they have been residing at Jalna. On the day and



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time of the alleged incident, the injured went to the house of the Shaikh Rizwan (first husband) at Sindkhed Raja to get her household articles. At that time, Shaikh Rizwan resisted her from taking household articles and assaulted her with knife. Shaikh Rizwan called other accused i.e. his cousins namely Samir Shaikh and Javed Shaikh (the present applicants). They assaulted and stabbed her with knife and thereby caused serious injuries on her face, jaw, stomach, back, tongue, both legs and thigh. Accordingly, the applicants and other accused have been booked with above referred crime.

4) Learned advocate Shri. Sakhare for the applicants has submitted that the applicants are not at all involved in the alleged crime. Mere general allegation are levelled against the applicants in connection with alleged crime. The applicants are innocent and falsely implicated in the alleged crime due to previous enmity between Shaikh Rizwan and the injured. The first information report came to be lodged after delay which shows how the same is concocted and false one.

5) It is further submitted that the applicant No. 1 was at his shop namely Royal Boot House which is near bus stand from 7.30 a.m to 8.30 p.m. at the time of the alleged offence. The applicant No. 2 was at Jama Masjid for evening Namaz and he returned at night from Masjid to his home. Shaikh Rizwan had given a divorce to the injured on 08.01.2026 by way of Khulanama and thereby the injured given up her rights and claim against the Shaikh Rizwan. A question of injured to go to the house of the Shaikh Rizwan and claiming her daughter



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and household articles from him did not arise. The applicants have reasonable apprehension of arrest in false crime. Lastly, Learned advocate Shri. Sakhare has prayed that the applicants be released on anticipatory bail.

6) Per contra, Learned APP for the prosecution has submitted that the injured sustained a grievous hurts to her jaw, stomach, back, tongue, both hands and thigh due to knife assault by the applicant. The injured has sustained multiple serious injuries. The statements of injured under Section 183 of the BNSS is yet to be recorded. Eye witnesses stated in their statements that the applicants assaulted to the informant with knife. The applicants have been absconding since the date of alleged crime. If the applicants are released on bail then there is every likelihood that they will temper and threat to the prosecution witnesses and thereby create an hurdle in the investigation. The investigation of the said crime is not yet completed. Learned APP has prayed that the instant application for bail may be rejected.

7) The informant namely Shaikh Shabir Mohammad Shabbir has appeared in this matter through advocate Shri. D. J. Qureshi. The informant has filed his written objection at Exh. 10 to the grant of bail. In addition to the written objection, the informant has placed photographs of the injured and the record of this matter. The informant has strongly contested to the prayer of bail made by the applicants.



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8) The first and foremost submission of Learned advocate Shri. Sakhare is that the applicant No. 1 was at his shop namely Royal Boot House which is near bus stand from 7.30 a.m to 8.30 p.m., while the applicant No. 2 was at Jama Masjid for evening Namaz and he returned at night from Masjid to his home. They were not present at the time and place of the incident. They are falsely implicated in the alleged crime because they are cousin's of Shaikh Rizwan. Per Contra Learned APP has contended that the presence of applicants at the time and place of the incident as well as their involvement in the alleged crime was witnessed by eye witnesses namely Shaikh Hakim Shaikh Rizwan and Hina Shaikh. The applicants and other accused chased to the injured up to the house of these witnesses. The applicants played than active role in committing the alleged crime.

9) On the background of above controversial submissions from both the sides, I have perused the first information report, police papers of investigation and medical certificates / documents of injured. Upon careful scrutiny of the same, it is appeared that on the day, place and time of the incident, the injured went to the house of accused Shaikh Rizwan to get her household articles and to meet her daughter. Further, there is material in the form of statements of eye witnesses namely Shaikh Hakim Shaikh Riyaz and Hina Shaikh which bear upon the prayer to enlarge the applicants on bail. Shaikh Hakim Shaikh Riyaz and Shaikh Hina are cited as eye witnesses of the incident. They are residing at a near distance from the house of the accused Shaikh Rizwan where the alleged incident occurred. It is



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transpired from the statements of these eye witnesses that on 02.05.2026 at about 05.00 p.m., that they heard the noise of quarrel coming from the house of the accused Shaikh Rizwan. They saw that the injured was running to their house from the house of the the accused Shaikh Rizwan and entered in their house. The injured was lying in kitchen room of their house. At that time, a first husband of the injured i.e. the accused Shaikh Rizwan and his cousin's i.e. applicants Samir and Javed were chasing her. When they saw the injured entering in the house of witnesses, then they ran back. These witnesses saw the injured was failed on the ground in the room near to the kitchen of their house. Her face, hands and feet look like they were cut and blood was oozing from the injuries. Her cloths were also covered in blood. When Hina Shaikh asked to injured as to what happened, then injured told that Rizwan had stabbed her. After saying this, she became unconscious. After that the witnesses called Rickshaw and with the help of Zamir Pathan, they took away injured to Sindkhed Raja Government Hospital, where the doctor examined her and told to take her at Jalna as injuries were of serious. After that they took away injured through ambulance to the Government Hospital at Jalna. The injured in her statement told before the police that Shaikh Rizwan, Samir and Javed inflicted a blows of knife to her. Local and independent witnesses have supported the prosecution story and involvment. By this way, there is a strong prima facie material in the nature of statements against the applicants.

10) The Investigating Officer has presented medical certificates and documents of medical treatment of the injured on the



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record of this matter. These medical certificates and documents show a multiple incised wounds and grievous hurts on the person of the injured due to alleged assault with knife by the applicant and other accused. The police papers of investigation prima facie indicate that the applicants and other accused in furtherance of their common intention assaulted the injured with knife. There is a strong incriminating material against the applicants in connection with the alleged crime.

11) The offence punishable under Section 109 of the BNS is very serious and non bailable and same is punishable with death or life imprisonment. Investigation of this crime is not over. The other absconding accused is yet to be arrested. If the applicants are released on bail then there is a likelihood that they would create a hurdle in the investigation. Looking to the seriousness of the offence and more particularly the presence of the applicants at the spot and their specific act of chasing the injured as well as attendant circumstances including the nature of weapon, the vital parts of the body of the injured, number of accused persons, the force with which the accused inflicted blows of knife on the body of the injured, the position of the injured and the situation of the spot of incident, I do not feel it proper to use a discretion of granting anticipatory bail to the applicants. The circumstances are not justified to grant anticipatory bail to the applicants. I thus find that the instant application deserves to be rejected. With this view, I proceed to pass following order.



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The instant application for anticipatory bail stands rejected.

Place : Mehkar
Dated : 06.07.2026

Sd/-
(Rajendra J. Tambe)
Additional Sessions Judge,
Mehkar, Dist. Buldhana.



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CERTIFICATE

I affirm that the contents of this PDF file Order / Judgment are correct word to word as per the original.

Name of Court : Shri. Rajendra J. Tambe
Additional Sessions Judge,
Mehkar, Dist. Buldhana.

Name of Steno : Sandip Ramdas Nikalje,
Stenographer, Grade-3, Mehkar.

Judgment/Order Signed by P.O. On : 06.07.2026

Judgment/Order uploaded on : 06.07.2026