

MHJN010011342026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE-2, JALNA
CRIMINAL BAIL APPLICATION NO. 386 OF 2026

**Abdul Saif Abdul Hafiz and
others**

.... Applicants/accused

V/s.

The State of Maharashtra

.... Respondent/Prosecution

Appearance :

Shri.Sayyed Tariq, the learned advocate for the applicants
Shri.B.V.Ingle, the learned In-charge D.G.P for the State
Shri.S.M.Chate, the learned advocate for the informant

ORDER BELOW EXH.1
(Delivered on : 07.07.2026)

The applicants/accused have preferred application under the provision of Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the “BNSS” for the sake of brevity), apprehending arrest in Crime No.169/2026 registered with Kadim Jalna police station under Sections 109(1), 126(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the “BNS” for the sake of brevity).

02. As per the applicants/accused, the informant Arshad Aslam Qureshi being admitted in the General Ward of Jinturkar Hospital, gave statement on 23.04.2026 contending that, on 22.04.2026 he along with his cousin Tohid Qureshi had been to Dukhinagar to have tea. After taking tea, when they started

proceeding on the motorcycle, at that time, applicants/accused along with co-accused stopped their motorcycle and asked as to why he came in their area. The informant replied that, he had some work. At that time, applicant/accused Saif started assaulting him by big wooden stick. Thereafter, he handed over that big wooden stick in the hand of co-accused Abujar. Co-accused Abujar inflicted stick blow on his head. The applicant/accused Jabi and Nabil assaulted him by kicks. The applicant/accused Saif and co-accused Abujar inflicted knife blow on the thigh of informant. Therefore he fell down on the ground and he became unconscious. He regained consciousness in the hospital and there he gave his complaint.

03. As per the applicants/accused, they are falsely implicated in the offence. The present incident is the result of previous dispute. The allegations against the applicant/accused are vague. There is no evidence that applicant/accused were present at the time of incident on the spot. The incident happened suddenly and there was no preplan or premeditation. Only to increase the gravity of the offence, the police have add Section 109(1) of BNS. The wooden bat and knife are already recovered from co-accused. The applicants/accused are the sole earners of their families. The injured is discharged from the hospital. The investigation is almost completed. The applicants/accused are ready to abide with terms and conditions of bail, if imposed on them.

04. The prosecution resisted the bail application by filing say at Exh.04. It is contended that the offence is serious in nature. It is further contended that, the applicants/accused along with co-accused assaulted the informant by knife, stick with intent to murder. The investigation is in progress. The prosecution apprehends that in case the applicants/accused are released on bail, they will tamper the evidence and threaten the witnesses. Hence, the application is sought to be rejected.

05. The informant resisted the bail application by filing say vide Exh.09.

He reiterated all the contents of the complaint. He further contended that although an earlier assault in May 2025 had been settled, the applicants/accused, harbouring resentment over the same dispute, later attacked the informant with the intention of killing him. Both applicants/accused are habitual offenders who terrorize the Dukhi Nagar area and Jalna city.

06. Co-applicants/accused struck the informant on the head with a wooden club, causing severe head injuries that required about ten days of ICU treatment, while co-accused attacked on the legs of the informant with a knife, allegedly resulting in prolonged paralysis and an expected recovery period of nearly one year. The police failed to invoke appropriate legal provisions despite the criminal background of the applicants/accused. In case the applicants/accused are released on bail, they will cause intimidation to the witnesses, further offences, and obstruction of the investigation, and therefore the application is sought to be rejected.

07. Heard learned Counsel Shri.Sayyed Tariq for the applicants/accused, the learned In-charge D.G.P. Shri.B.V.Ingle for the State and Shri.S.M.Chate, the learned Counsel for the intervener. Perused the copy of FIR and papers submitted by the prosecution.

08. The learned advocate for the applicants/accused submitted that there is previous enmity between the parties. The knife and bat are already recovered. The offence is committed in sudden provocation. The injured is discharged from the hospital. The learned advocate for the informant submitted that they have made application to the PI for adding provisions of Section 109(2) of BNS.

09. From the reply of prosecution and police papers, it is seen that the investigation is almost completed. The applicants/accused and informant are

residing in different localities. The injured is discharged from the hospital. The recovery is already done at the hands of co-accused. Nothing is shown to be recovered or discovered at the hands of these applicants/accused, for which, their custodial interrogation would be required. The apprehension of the prosecution can be taken care of by imposing stringent conditions on the applicants/accused. Hence, the applicants/accused are entitled to be released on bail. With this, I pass the following order: -

ORDER

- 1) Criminal Bail Application No.386/2026 is allowed.
- 2) In the event of arrest of the applicant/accused No.1 **Abdul Saif Abdul Hafiz**, the applicant/accused No.2 **Jabi Sagir Abdul**, and the applicant/accused No.3 **Nabil Salim Siddiqui**, in Crime No.169/2026, registered with Kadim Jalna Police Station, they be released on P.B. and S.B. of Rs.25,000/- (Rupees Twenty-five Thousand only) each with one or two sureties in the like amount each, on the following conditions:-
 - a) The applicants/accused shall appear before at Police Station Kadim Jalna on alternate Wednesday of every month between 01.00 p.m. to 04.00 p.m. till filing of charge-sheet.
 - b) The applicants/accused shall not contact the informant or witnesses in any manner.
 - c) The applicants/accused shall not tamper with the evidence.
 - d) The applicants/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade them from disclosing such facts to the Court or the police officer.

e) Breach of any condition will amount to cancellation of anticipatory bail forthwith.

3) Criminal Bail Application No.386 of 2026 stands allowed and disposed of accordingly.

(Dictated and pronounced in open Court).

Date: 07.07.2026

(NAZERA S. SHAIKH)
Additional Sessions Judge-2
Jalna.

CERTIFICATE

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

Name of Stenographer : P.S.Tayade
Name of the Court : Court of Addl. Session Judge, Jalna
Date of PDF : **07.07.2026**

(P.S.Tayade)
Stenographer (Grade-I)