

MHJN010006052026

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-2, JALNA****CRIMINAL BAIL APPLICATION NO. 189 OF 2026****Habibabee w/o Shaikh Mahemood
and others**

.... Applicants/accused

V/s.**The State of Maharashtra**

.... Respondent/Prosecution

Appearance :

Shri.Sayyed Tariq, and

Shri.Sayyed Mujib, the learned advocates for the applicants

Shri.B.V.Ingle, the learned In-charge D.G.P for the State

ORDER BELOW EXH.1**(Delivered on : 04.05.2026)**

The applicants 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.161/2025 registered with Badnapur police station under Sections 318, 336 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the "BNS" for the sake of brevity).

02. As per the applicants/accused, the complainant Feroz Mahemud Kureshi has filed complaint on 03/05/2025 contending therein that applicant/accused No. 1 is his mother, applicant/accused No. 2 is his brother and applicant/accused No. 3 is the wife of applicant/accused No. 2 . House property being House No. 305, to the extent of 15 X 20 Sq. Feet situated at Village Deogaon, was in the name of his father. House No. 302 was in the name of applicant/accused No. 1. Both the house properties were adjoining to each other. The

applicants/accused No. 1 to 3 in collusion with co-accused Gram-sevak shown enhanced area i.e. 750 Sq. Feet (50 X 25) and prepared false extract No. 8 (Gaon Namuna 8).

03. On the basis of false documents applicant/accused No. 1 executed false registered sale deed in favour of applicant/accused No. 3 and deprived the right of the informant. Therefore, informant had been to Police Station Badnapur, but Police did not take his complaint. Therefore, he approached to the Superintendent of Police at Jalna and upon instructions of S. P. Jalna police were directed to register the offence. Though the offence was registered, but no action was taken. Therefore informant filed an application under Section 175 (3) of BNSS in the Court, on which this offence was initiated. Hence, the complaint was filed.

04. As per the applicants/accused, they are falsely implicated in the offence. Complaint is filed at S. P. Office after 20 days of incident. Delay in filing complaint is not explained by applicant/accused. The sale deed is legally executed and registered document. Informant can challenge said sale deed in civil suit. The sale deed is available in the office of sub-registrar. Nothing is recovered at the hands of these applicants/accused. The applicants/accused are ready to abide with terms and conditions of bail, if imposed on them.

05. The prosecution resisted the bail application by filing say at Exh.10. It is contended that the offence is serious in nature. It is further contended that, applicants and co-accused are involved in very serious conspiracy to cheat and defraud the informant in systematic manner. The applicants/accused along with co-accused prepared fabricated documents i.e. Namuna No.08 and on the basis of same,

executed register sale-deed No.2279 of 2024. The same was done by the applicants/accused with intention to cheat the informant. 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.

06. Heard learned Counsel Shri.Sayyed Tariq and Shri.Sayyed Mujib for the applicants/accused and the learned In-charge D.G.P Shri.B.V.Ingle for the State. Perused the copy of FIR and papers submitted by the prosecution.

07. The learned advocate for the applicants/accused submitted that, applicants/accused are innocent. They have not committed any offence. Muddemal is already recovered. The gramsevak has prepared the document. The property was in name of applicant no.1 who gave it to applicant no.3. Custodial interrogation of the applicants/accused is not required.

08. From the reply of prosecution and police papers, it is seen that investigation is almost completed. The dispute is civil in nature. Charge-sheet is already filed. Nothing is to be recovered or discovered at the hands of these applicants/accused, for which, their custodial interrogation would be required. The applicants/accused were served with the notices under Section 35(5) of the BNSS. 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.189/2026 is allowed.

2) In the event of arrest of the applicant/accused No.1 **Habibabee w/o Shaikh Mahemood**, the applicant/accused No.2 **Riyaj s/o Shaikh Mahemood** and the applicant/accused No.3 **Salma w/o Riyaj Shaikh**, in Crime No.161/2025, registered with Badnapur 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 Badnapur 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.
- f) Inform the concerned Police Station accordingly.

3) Criminal Bail Application No.189 of 2026 stands allowed and disposed of accordingly.

(Dictated and pronounced in open Court).

Date: 04.05.2026

(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	: K.Y.Patil
Name of the Court	: Court of Addl. Session Judge, Jalna
Date of PDF	: 04.05.2026

(K. Y. Patil)
Stenographer (Grade-I)