

In the Court of Sessions Judge, Shamli at Kairana.
Presiding Officer- Inder Preet Singh Josh, (Higher Judicial Service)
(J.O. Code- UP1894)

Bail Application No.851/2026

Islaam s/o Kamruddin, Residence- Issapur Khurgaon And Police Station Kairana,
District Shamli.Accused/Applicant.

Versus

State of U.P.

.....Opposite Party.

Case Crime No.433/2025

U/s 191(2),191(3),190,131,115(2),352,351(2),110 BNS

P.S. Kairana, District Shamli.

Present **Shri Sunil Chauhan**- Counsel for Applicant

Present **Shri Sanjay Chauhan, D.G.C.(Criminal)**- State of U.P.

Dated: 07.07.2026

This bail application of accused **Islaam** has been filed by Taalim s/o Ishaq, who is the Pairokar of the applicant. He has submitted that no other bail application is currently pending before Sessions Court or the Hon'ble High Court

In brief, the case of the prosecution is that on 23.07.2025 at about 1:15 PM the complainant and his sons Junaid and Janib went to their field, where they observed the accused persons cutting a large earthen bund (big embankment) near the threshing floor belonging to the complainant's son. The accused identified as Haroon (son of Kamru), Shahrukh, Danish (son of Haroon), Mursaleen (son of Yunus), Islam (son of Kamru), Pravej (son of Islam) of Village Issapur Burgan, and Tasawar (son of Ilyas) of Village Jahanpura, PS Kairana, were cutting the bund. When the complainant and his sons objected, the accused became furious. They were armed in advance with axes, sticks and country-made pistols, and in a planned manner attacked the complainant and his sons. While shouting that "today we will not leave you alive," the accused assaulted the complainant and his sons Junaid and Janib with sticks and axes with intent to kill. They also fired at the applicant; a bullet struck at chest level. The accused declared that they would kill the complainant and his sons and proceeded to beat them severely, causing deep wounds to their heads and grievous injuries. The complainant and his sons were drenched in blood. The accused continued to threaten that they would not spare them until they were dead, and they repeatedly beat and dragged them down. Hearing the cries, nearby villagers working in the fields including Intazar (son of Mrida) and Manna (son of Ilyas) and several others arrived and, with great difficulty, rescued the complainant and his sons. The accused threatened that they would kill them if given another chance. During this incident, the applicant's son Junaid called Police Dial 112 to report the attack. The Dial 112 police arrived at the spot immediately, but the accused had already fled.

Consequently, a case was registered at Kairana Police Station against the aforementioned accused persons under Sections 191(2), 191(3), 190, 131, 115(2), 352, 351(2) BNS. After conducting the investigation, based on the collected evidence, a charge sheet under Sections 191(2), 191(3), 190, 131, 115(2), 352, 351(2), 110 BNS has been filed against the applicant/accused in the court.

The learned Counsel for the applicant/accused has submitted that the applicant/accused has been falsely implicated in the present case. The applicant/accused has no motive to commit the alleged offence. There are no independent public witnesses to the said incident. The applicant/accused denies attacking and assaulting the family

members of the complainant. All allegations against the applicant/accused are false and fabricated. The applicant/accused has no prior criminal history or convictions.

The Learned DGC has opposed the bail application and stated that the accused is involved in the present case.

Heard learned counsel for the parties and perused the records of the case.

From a perusal of the documents on record, the applicant/accused is alleged to have, in collusion with the other co-accused, attacked, assaulted and injured the complainant and his family members. In the present case, the First Information Report (FIR) was registered under Sections 191(2), 191(3), 190, 131, 115(2), 352, 351(2) BNS.; however, based on evidence collected during subsequent police investigation, the charge-sheet has been filed under Sections 191(2), 191(3), 190, 131, 115(2), 352, 351(2), 110 BNS and no investigation remains pending in the aforesaid case. The injury report of the injured persons are available on file, which indicates that the injuries sustained by the injured persons were simple in nature. Further, by order dated 27.05.2026, the applicant/accused was granted interim bail, and he remains on interim bail to date. No facts have come to light indicating that the applicant/accused has misused the interim bail. The present case is punishable with maximum imprisonment of seven years. No criminal antecedents of the applicant/accused has been placed on record by the prosecution, nor has any evidence of prior conviction come to light.

Therefore, considering the above facts and circumstances, without expressing any opinion on the merits of the case, this court finds sufficient grounds to allow the bail application of the applicant/accused. Accordingly, the bail application is allowed.

ORDER

The bail application of the applicant/accused **Islaam** is allowed. The applicant/accused is directed to be released on bail upon furnishing a personal bond of Rs. 50,000/- (Rupees Fifty Thousand only) with two sureties of the same amount, to the satisfaction of this Court, subject to the following conditions:

- The applicant/accused shall fully cooperate for the speedy disposal of the trial.

Dated: 07.07.2026

(Inder Preet Singh Josh),
Sessions Judge,
Shamli.