

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

Bail Application No.900/2026

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|---------------------------------|-----------------------------|
| 1. Kausar s/o Umardeen | Residence- Gram Hathchauya |
| 2. Umardeen s/o Nageena @ Ginna | P.S. Jhinhana Dist. Shamli. |
-Accused/applicants.

Versus

State of U.P.

.....Opposite Party.

Case Crime No.123/2026

U/s 109(1), 191(2), 191(3) 115(2), 352 BNS.

P.S. Jhinhana, District Shamli.

Present **Shri Maneesh Kaushik, Advocate-** Counsel for applicants

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

Dated:28.07.2026

The bail application is listed for orders today.

This bail application of accused **Kausar & Umardeen** has been filed by Israar Ali s/o Gayyur Ali who is the Pairokar of the applicant. She 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 26.03.2026 at approximately 10:00 a.m., complainant's father Afzal, her brother Sufyān Tomar, and Rahīs (son of Jinda) were working together in a nearby sugarcane field when, without any provocation, Tasavar alias Hadu (son of Javardeen) and Umarrdeen (son of Ginna) came into the field while making abusive remarks. They said that we have become arrogant, that we call the police on every occasion, that we have connections with influential people, and that we are cowardly for relying on the police; they further challenged them to fight face to face and threatened to settle the matter that day. Complainant's father did not respond because he knew that they had come with the intention to provoke a fight. Her father and Rahīs told them that they did not wish to fight and asked them to return to their homes. They refused and insisted on fighting. Additional members of their family and companions then arrived from the rear and began assaulting her father Afzal. Seeing the crowd and the attack, her father Afzal ran and hid in a room in the field and latched the door. On hearing the commotion, the complainant, her younger brother Sufyān Tomar, her aunt Nusrat, and others approached to see what had happened. At that time the accused Umarrdeen son of Nagina, Kausar son of Umarrdeen, Tasavar alias Hadu son of Javardeen alias Budha, Umerdeen son of Nagina alias Ginna, Janisar alias Jani son of Asad alias Hasd, Moin son of Matloob, Soyab son of Kausar, Intazar son of Asad alias Hasd, and Salim son of Gera — together, suddenly attacked them with sticks, sharp weapons, and spades, and beat them brutally. They were unarmed and sustained serious injuries. On

receiving information, the in-charge of Unn Chowki, Rakesh Kumar, and the Superintendent of Police, Shamli, were informed. Javed Tomar (BKU leader) and his son Amīr Tomar alias Asif instigated and incited the above-named persons for their political gain and in relation to an old land dispute. The complainant and others suffered serious injuries as a result of the said attack.

Consequently, a case was registered at Police Station Kairana against the aforementioned accused persons and one unknown accused person under Sections 191(2), 193(3), 61(2), 352, 115(2), 45 BNS. After conducting the investigating, based on the evidence a charge sheet under Section 191(2), 191(3), 61(2), 352, 115(2), 109(1), 45 BNS has been prepared against the applicants/accused.

The learned Counsel for the applicants/accused has submitted that the applicants/accused have been falsely implicated in the present case. The applicants/accused have no motive to commit the alleged offence. The applicants/accused have not committed any incident as mentioned in the FIR. The applicants/accused have not attacked or assaulted the family member of the complainant with an intent to kill. There are no independent witness to the alleged incident. All allegations and the recovery from the applicants/accused are false and fabricated. The applicants/accused have no prior criminal convictions. The applicants/accused have been languishing in District Jail since 31.05.2026.

The learned D.G.C. and learned private counsel have opposed the bail application stated that if, the applicant/accused is granted bail, there is every likelihood of the applicant/accused tampering with the evidence and winning over the eye witnesses of the present case.

From a perusal of the case file, it is evident that the applicants/accused are alleged to have assaulted and attacked the complainant and her family members with a sharp-edged weapons and caused grievous injuries to them with the intent to kill. The applicants/accused have been named as the prime accused in the First Information Report. In the present case, four persons sustained injuries in the alleged incident, and their medical examinations have been conducted. According to the medical report, injured Sufiyan sustained four injuries, injured Raziya sustained three injuries, and injured Afzal sustained one injury. The supplementary medical report of the injured victim Nusrat, available on record, mentions five injuries, out of which injuries nos. 1 and 3 are grievous in nature and are described as a fracture of the frontal bone on the right side and she remained admitted in the hospital from 26.03.2026 till 16.04.2026 for the treatment of the said injury. According to the statement of the medical officer, the injuries sustained by the victim Nusrat could be life-threatening. The photographs of the injuries sustained by the injured persons have also been filed and form part of the case diary. From a perusal of these photographs, the injuries sustained by the victims appear to be of a serious nature. After conducting the investigation a charge sheet has been prepared against the applicants/accused. Prima facie, a definite role has been attributed to the accused. The apprehension of accused tampering with the evidence or winning over the witnesses cannot be negated at this stage. The offence committed is serious in nature.

That, considering the facts and circumstances of this case, and the gravity of the offense and without expressing any opinion on the merits of this case, this court does not find sufficient grounds to grant bail to the applicants/accused. All the discussions made herein above are for the purpose of disposal of this bail application and shall have no bearing on the merits of this case.

In the aforesaid facts and circumstances, no case is made out for grant of bail, hence the bail application of applicant/accused is hereby liable to be rejected.

ORDER

Bail Application of accused/applicants **Kausar & Umardeen** is, hereby, dismissed.

Dated: 28.07.2026

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