



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [BA] NO. 246 OF 2026.

- 1.Sajeda Bi Yunus Khan @ Sajeda Khatun Yunus Khan.
- 2.Altamash Khan Yunus Khan.
- 3.Faizan Khan Yunus Khan.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Z.Z. Haq, Advocate for Applicants.
Shri V.A. Thakare, A.P.P. for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 11, 2026.

Heard.

2. Applicants came to be arrested in connection with Crime No.188/2025 registered with Ural Police Station, Akola for the offence punishable under Sections 103[1], 351[2] and 3[5] of the Bharatiya Nyaya Sanhita (BNS). Charge sheet in the matter is filed and Section 352 of BNS came to be added.

3. The first information report in the matter came to be lodged by one Rehanabi Khan alleging that her daughter married applicant no.2 Altamashkhan 5 months prior, and

since then there were some trivial issues between them and therefore, her daughter was in her house from last two days. On 29.05.2025 when the informant went to the house of her son in law and asked for clothes of her daughter, there was a quarrel and when mother of the informant tried to pacify the quarrel, the applicant no.1 caught hold of her hair and applicant nos.2 and 3 assaulted her with fist and kick blows. She was taken to hospital for treatment, however, she was discharged. On 30.05.2025, as her condition worsened, she passed away. Hence, the first information report.

3. The learned Counsel for applicants submit that from the allegations levelled in the first information report it is clear that there was no intention on the part of applicants to commit murder of the deceased, however, an unfortunate incident had occurred. There are allegations against applicant nos.2 and 3 that they have given blows on abdomen, chest and back of the deceased. However, it is submitted that no weapon was used. It is submitted that the informant and her mother went to the house of the accused persons for collecting clothes of her daughter, as she did not want to reside with applicant

no.2. The incident had occurred in the heat of anger, and therefore, no intention could be attributed to applicants as no weapon was used. It is submitted that the deceased was initially taken to the hospital however, no serious injuries were observed and therefore, she was discharged immediately, and she expired on the next day. The cause of death is due to “Hypovolemic Shock due to perforation peritonitis in an alleged case of blunt trauma to abdomen,” therefore, it is submitted that considering the nature of allegations and the fact that applicant no.1 is behind bars since 31.05.2025, while applicant nos.2 and 3 are behind bars since 30.05.2025, coupled with the fact that investigation is complete, charge sheet is filed, they be released on bail.

4. The learned A.P.P has vehemently opposed the application by submitting that the informant herself is an eye witness to the incident. The applicants, have actively participated in assaulting the deceased. It is submitted that so far as the applicant no.1 is concerned, she has pulled hair and applicant nos.2 and 3 have assaulted the deceased with fist and kick blows, due to which she sustained internal injuries to the

abdomen, which resulted into her death. Merely because no weapon was used, that by itself is not sufficient to gather intention. It is submitted that intention can be gathered from continuous blows given to the deceased, and therefore, he submits that bail application be rejected.

5. I have heard the rival contentions of the parties. It appears that the informant and deceased went to the house of applicants in order to collect clothes, and at that time a quarrel took place. Applicant nos.2 and 3 gave fist and kick blows on the abdomen, chest and back of the deceased. So far as applicant no.1 is concerned, the allegations are of pulling hair. Admittedly so far as the role of all applicants is concerned, it could be gathered from the record that they have assaulted the deceased, however, the fact remains that no weapon was used while assaulting the deceased. This fact itself is sufficient to say that it is an unfortunate incident, though the allegations are against applicant nos.2 and 3 that they have given fist and kick blows, and admittedly the cause of death is "Hypovolemic Shock due to perforation peritonitis in a alleged case of blunt trauma to abdomen." It appears that this injury

is possible by fist and kick blows, however, at this stage it could be said that the applicants were not having intention to kill the deceased. Considering the nature of allegations and the fact that investigation is over and charge sheet is filed, as also the fact that the applicants are languishing in jail since 30.05.2025 and 31.05.2025, I am inclined to grant bail to them. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) Applicants /accused (1) Sajeda Bi Yunus Khan @ Sajeda Khatun Yunus Khan, (2) Altamash Khan Yunus Khan and (3) Faizan Khan Yunus Khan be released on regular bail in connection with Crime No.188/2025 registered with Ural Police Station, Akola for the offence punishable under Sections 103[1], 351[2], 352 and 3[5] of the Bhartiya Nyaya Sanhita (BNS) on their furnishing P.R. Bond of Rs.50,000/- each with two sureties in the like amount.
- (iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

- (iv) The accused shall provide their residential address and cell number to Police Station concerned and shall not change their place of residence without prior intimation to the Investigating Agency.
- (v) The accused shall attend each and every date of trial regularly. If they fail to attend the trial for one date, or fail to comply with the aforesaid conditions, their default would entail the State to ask for cancellation of bail.
- (vi) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE