



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

CRIMINAL APPLICATION [BA] NO. 353 OF 2026.

Awais Khan Anis 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 D.S. Sirpurkar, Advocate for the Applicant.
Ms P.C. Bawankule, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 08, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.237/2025 registered with Shivaji Nagar Police Station, Buldhana, for the offence punishable under Sections 109, 115[2] and 3[5] of the Bharatiya Nyaya Sanhita (BNS).

3. The first information report was lodged by one Nasim Bano Mohd. Rafiq alleging that on 02.08.2025 she had thrown a polythene bag in front of her house, which flew to the house of Ejaj Khan, on which Ejaj Khan raised a quarrel

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asking why she was throwing garbage in front of his house and used abusive language. Upon this, husband and son of the informant came out and tried to pacify the quarrel, but, Ejaj assaulted all of them by fist and kick blows. In the meanwhile nephew of Ejaj namely Awais Khan came there with one knife and assaulted husband of the informant, who was taken to hospital and hence, the report.

4. The learned Counsel for the applicant submits that the offence under Section 109 of the BNS is not made out and at the most Section 118 of BNS is attracted. The maximum punishment provided under Section 118 of BNS is three years, and therefore, the applicant is entitled to bail. The uncle of the applicant namely Ejaj Khan has registered a first information report against the informant and others bearing Crime No.236/2025. According to him it is the informant party who have assaulted family members of the applicant, further Ejaj had registered the first information report first in point of time, and therefore, this is a fit case for grant of bail.

5. On the other hand the learned A.P.P. vehemently opposed the application by submitting that there are direct

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allegations against the applicant. She further submits that the applicant had brought a knife and stabbed Mohd. Rafiq (who is husband of the informant) in the abdomen. My attention is invited to the injury certificate wherein there is mention of stab injury, and submits that the applicant is the main accused who has played an important role in the incident. The injury is very deep, and therefore it cannot be said that Section 109 of BNS would not be applicable. It is submitted that this is nothing but an attempt to murder by inflicting injury on the vital part of the body, and therefore, the applicant is not entitled to bail.

6. I have heard the learned Counsel for the parties and perused the contents of the first information report. From perusal, it appears that the informant, who is the wife of injured Mohd. Rafiq, has lodged the report on 02.08.2025. The incident seems to have occurred at about 4.30 p.m. on 02.08.2025 and the report time is 20.51 hours. From the contents of the first information report it is clear that there was quarrel between two families i.e. informant and applicant on throwing of garbage in front of the house of applicant. The

quarrel was upon questioning by Ejaj Khan, who is uncle of the applicant. At that time, the applicant came there along with a big knife in his hand and inflicted blow on the abdomen of Mohd. Rafiq, and thereafter, the first information report came to be registered. Perusal of the injury certificate would demonstrate that there is stab injury over abdomen with arterial injury. Size of the said injury is 5 x 3 cm with omental and small bowel in wound. It is inflicted in left iliac region and the injury is sharp. It further reveals that the injured Mohd. Rafiq was required to undergo treatment for about 6 days. Knife was seized from the applicant, after the applicant surrendered on 19.01.2026. At this juncture, it is necessary to mention that the first information report is registered on 02.08.2025 and the applicant has surrendered only after rejection of his anticipatory bail application on 17.01.2026. It is to be noted that there was no ad-interim relief granted to the applicant during the pendency of said application. Apart from that, it is further to be noted that there are eye witnesses to the incident.

7. Considering the direct nature of evidence that recovery of knife and testimony of eye witnesses, and further

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the fact that the applicant surrendered on 19.01.2026, I am not inclined to grant bail to the applicant. Criminal Application is accordingly rejected.

JUDGE

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