

IN THE COURT OF THE ADDL. SESSIONS JUDGE FOR THE TRIAL
OF **COMMUNAL OFFENCE CASES-CUM-VII ADDL. SESSIONS**
JUDGE – CUM- XXI ADDL. CHIEF JUDGE : HYDERABAD

Present : **Sri B.Sujay,**
VII Addl. Sessions Judge-COC-cum
XXI Addl.Chief Judge,
Hyderabad.

Dated this the 14th day of July, 2026

CrI.MP.No.2830/2026

IN

(CRIME No.206/2026

PS Nampally)

BETWEEN:

Mahboob Alam Khan,
S/o Shah Alam Khan,
Age: 80 years, Occ: Business,
R/o. 3-4-762, Rahat Kada,
Barkatpura, Kachiguda,
Hyderabad.

.....Petitioner/Accused **No 2**

AND

The State of Telangana, Through
PS: Nampally, Hyderabad.

.....Respondent/Complainant

This petition is coming before me for hearing upon perusing the petition and upon hearing the arguments of M/s.Mohd Muzaferullah Khan, Advocates and Associates for the petitioner, and of Public Prosecutor for the State and Sri V.Raghunath, Advocates & Associates, who assisted the

prosecution on behalf of defacto complainant, this Court made the following:-

:: ORDER ::

1. This is the First Bail Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita seeking regular bail to the petitioner/accused **No.2** in Crime No.206/2026 of PS.Nampally for the alleged offences under Section 103 (1), 61(2)(a) r/w.3(5) of BNS 2023.

2. The gist of the remand case diary is that on 23-05-2026 at about 05:45 hours in front of H.No.10-2-287/1/2, Moiz Residency (residence of the deceased), Vijaya Towers Road, Shanti Nagar, Hyderabad, the accused persons intentionally conspired and executed the offence by deliberately using a four-wheeler vehicle as a deadly weapon to hit and eliminate the deceased Khaja Moizuddin, who was an Advocate by profession and actively engaged in the protection of Waqf properties. The offence was committed due to long standing Waqf disputes, litigations and personal grudge against the deceased. In pursuance of the conspiracy, the accused persons conducted recce, arranged the offending Scorpio vehicle and intentionally dashed the vehicle against the deceased, resulting in the death of the deceased.

3. The averments of the petition in brief are that, the petitioner/accused **No.2** was remanded to judicial custody on 29-05-2026 and since then he is languishing in jail. The allegations made against the petitioner are totally false and baseless and he is law abiding citizen and innocent and nothing to do with the alleged offences. In the complaint lodged by the defacto complainant it has been mentioned therein that he is one of the suspect persons in the said case. The petitioner/accused was called by the police and interrogated him and left him. The petitioner/accused was initially shown as Accused No.2 in the FIR dated 23-05-2026, no evidence was found by the police at the time of investigation to show his involvement in the present case. But one D.Kishan @ Pappu (A3) was remanded in the present case dated 28-05-2026, even that remand report does not disclose the name of the petitioner/accused No.2. Thereafter in the said remand report the police have shown seven persons as accused but the petitioner was not shown as an accused person therein. After apprehension of some of the accused, shown the petitioner's name by implicating in this case is clearly an afterthought.

(a) It is further submitted that without any prima-facie evidence the

involvement of the petitioner in the present case is only based on the confessional statement of the other accused, which is inadmissible in the eye of law. It is a settled principle of law that confession of a co-accused cannot be taken against the other accused unless and until they are tried together in a joint trial and the same cannot be taken into consideration at the present stage of bail.

(b) It is submitted that according to the case of prosecution the motive for the murder of the deceased in this case was that the deceased and the petitioner were at loggerheads over the properties pertaining to the management of Waqf. Except bald allegations there is no iota of proof placed by the prosecution.

(c) It is submitted that there are no exact acts done by the petitioner in furtherance of the alleged criminal conspiracy towards commission of offence. The alleged offences are not attracted to the present petitioner in any manner. The investigating officer has completed the investigation and it is nowhere mentioned about the requirement of the petitioner/accused. The mobile phone of the petitioner/accused was seized. The petitioner is not

having any past criminal antecedents, as such, the question of tampering the evidences does not arise. The petitioner is having permanent place of abode at the mentioned address, as such, the question of absconding does not arise. The petitioner is senior citizen aged about 80 years and suffering with old age ailments. The petitioner undertakes to appear before court on every date of hearing and ready to furnish sureties and abide by the conditions imposed by the Hon'ble court and prayed to grant bail to the petitioner/accused **No.2** with any conditions.

4. Notice given to learned Additional Public Prosecutor and he filed counter opposed the petition averments and submitted that the investigation is in preliminary stage. If the petitioner/accused **No.2** is enlarged on bail, there is every possibility of threatening complainant and witnesses, he may tamper the evidence, he may escape from the proceedings of this Hon'ble court. If he is released on bail, securing his presence is very difficult to police. Further submitted that the petitioner/accused No.2 and the accused No.1 are prime conspirators in the murder of deceased and there is unimpeachable evidence collected against the accused. The petitioner/accused No.2 and the accused No.1 are father and son and planned

the entire conspiracy in view of the pending litigation between them and the deceased Advocate Khaja Moizuddin in respect of Waqf properties.

5. On the other hand the learned counsel on behalf of defacto complainant has filed implead petition vide CrI.MP.No.940/2026 in CrI.MP.No.2830/2026 in Crime No.206 of 2026 of PS.Nampally, Hyderabad for assisting the prosecution case. On the other hand the Respondent No.1 (the petitioner/accused No.2) and Respondent No.2 (State) reported no counter and no objection. Hence, petition is allowed permitting the learned counsel on behalf of defacto complainant for assisting the prosecution case.

6. Heard arguments of counsel for petitioner/accused No.2, the counsel who assisted the prosecution and heard the Additional Public Prosecutor.

7. Now the point for consideration is:

“Whether the petitioner/Accused **No.2** is entitled for **grant regular bail** as prayed for?”.

POINT:

8. The learned counsel for petitioner/accused No.2 besides submission of

his oral arguments he further filed a book-let containing voluminous papers pertaining to this crime and other cases i.e. complaint and FIR, Remand Case Diaries dated 28-05-2026, 29-05-2026 and 30-05-2026 and Sec.47 BNSS Arrest Intimation of petitioner/accused No.2, E-court case status details in CC.No.793 of 2014, CC.No.5/2016, Order copy in CrI.P.No.13119 of 2015 dated 07-11-2023 of the Hon'ble Court pertaining to CC.No.953 of 2014, Judgment, Decree and Joint memo pertaining to O.A.No.74 of 2016 (old O.A.No.64/2013) and the case status details of Hon'ble High Court in W.P.No.11123 of 2014, Order dated 01-12-2016 of the Hon'ble High Court in WP.No.40560/2014, Judgment – Pkrishna Mohan Reddy vs. The State of A.P. (2025 Livelaw (SC) 598, Judgment- Suresh Vs.State of U.P. (2001) SC (439), Judgment- State (Delhi Administration vs. Laxman Kumar and others (1985 SC-312, Medical Note and Discharge Summary of the Petitioner/A-2, Complaint copy in O.S.No.18 of 2026, Complaint copy in O.S.NO.43 of 2025,, Complaint copy, Affidavit and counter Affidavit copy in O.S.No.39/2025, Complaint copy, Affidavit and counter Affidavit copy in O.S.No.38/2025, Complaint copy and Affidavit copy in O.S.No.34/2025, Complaint copy, Affidavit and counter Affidavit copy in O.S.No.30/2025. All the case papers and remand reports of this case are disclosed the name of the petitioner/accused No.2 and he

falsely implicated in this case. The other papers pertaining to the disputes of Waqf properties and filing of cases by both parties vis a vis. The medical record and Medical note denotes the details of petitioner/accused suffering with various ailments and surgeries and is on Wheel chair and dependent on others for his routine activities.

(a) The counsel for petitioner/accused No.2 cited case law's of Hon'ble Supreme Court of India in Pawan Khara vs. State of Assam arising out of SLP (Crl.) No.7786 of 2026).

The facts are not similar from case to case, the Hon'ble Apex Court has clearly mentioned in its order dated 30-04-2026 that the material filed is only for the purpose of consideration of grant of anticipatory bail and it has nothing to do with the merits of the criminal case. Therefore, the competent court shall not be influenced by those observations and shall proceed the matter in accordance with law.

(b) The counsel for petitioner/accused No.2 submitted his oral arguments that the petitioner/accused No.2 has nothing to do with the alleged offence, and he is not having any political influence. The petitioner/accused No.2 is

aged about 84 years and suffering from his ailments and major operations were also conducted by the doctors and he is only moving on wheel chair. The deceased is an advocate and having sympathy. The innocent persons have been implicated in this case. This is a Hit & Run case. Due to rivalry disputes between the deceased and the petitioner/accused No.2, the police have falsely implicated the petitioner in this case without any iota of proof. The incident occurred at 05:45 hours and the First Information Report time is at 08:30 hours. The police first arrested one person by name D.Kishan @ Pappu shown as accused No.228-05-2026 at 08:45 hours. In the second remand report dated 29-05-2026 the accused No.2 was shown as accused No.3. The offence U/sec.103 is booked against the petitioner/accused No.2 based on the confession of the co-accused. The petitioner/accused No.2 is not in a position to walk and at the time of his remand he was produced on wheel chair. In this case the accused Nos. 6 and 7 are still absconding. Nothing was seized from the petitioner/accused No.2 or to be seized from the petitioner/accused No.2. The counsel for petitioner further submits that except filing of charge sheet against this petitioner/accused No.2 nothing is pending. The counsel for petitioner/accused No.2 prayed this court to enlarge the petitioner/accused No.2 on bail by taking his ill-health into

consideration.

9. The learned counsel for defacto complainant who was permitted for assisting prosecution has submitted the following case laws i.e., (1) State vs. Captain Jagjit Singh AIR 1962 SC 253-3J SC (2) Shahad Hasan Khan vs. Ishtiaq Hasan Khan (1987) 2 SCC 684-2J (3) Prahlad Singh Bhati vs. NCT, Delhi- (2001) 4, SCC-280-2J (4) Ram Govind Upadhyay vs. Sudarshan Singh (2002) 3 SCC 598 (5) Chaman Lal vs. State of UP (2004) 7, SCC 525 2J (6) Kalyan Chandra Sarkar v. Rajesh Ranjan (2004) 7 SCCC 528 2J (7) State of U.P v. Amarani Tripathi (2005) 8 SCC 2J (8) Rajesh Ranjan Yadav v. CBI (2007) 1 SCC 70 2J (9) Lokesh Singh v. State of Uttar Pradesh (2008) 16 SCC 753 2J (10) Masroor v. State of Uttar Pradesh (2009) 14 SCC 286 2J (11) Prasanta Kumar Sarkar v. Ashis Chatterjee (2010) 14 SCC 496 2J (12) Ash Mohammed v. Shiv Raj Singh (2012) 9 SCC 446 – 2J (13) Chandrakeshwar Prasad v. State of Bihar (2016) 9 SCC 443- 2J (14) Neeru Yadav v. State of Uttar Pradesh (2016) 15 SCC 422 (15) Anil Kumar v. State (NCT of Delhi) (2018) 12 SCC 129 2J (16) Sudha Singh v. State of Uttar Pradesh (2021) 4 SCC 781-3J (17) Ishwari Nagaji v. State of Gujarat- (2022) 6 SCC 609-2J (18) Firozuddin Basheeruddin v. state of Kerala (2001) 7 SCC

596 -2J and (19) Pratapbhai Harnirbhai Solani v. State of Gujarat (2013) I SCC 613 -2J.

(a) Further submitted that the facts of the case laws are that while considering the bail to the accused, the court has to keep in mind the nature of offence or seriousness of the offence, victim lost his life, severity of punishment, character and behaviour of accused, securing the presence of accused. In the event of heinous crime, it is the society that needs protection from these elements. Under Article 21, balance has to be struck between the right to individual liberty and the interest of society. No right can be absolute and reasonable restrictions can be placed. Some of the case law's denote similar facts of the cases.

(b) It is further submitted by the learned counsel assisting the prosecution that the petitioner/accused No.2 is highly influential person, capable of managing the witnesses, destroying the evidence. The accused No.1 and the deceased were directly involved in cut-throat litigation pertaining to various Waqf properties and there are several cases pending in various courts including criminal courts in between the petitioner/accused No.2 and the

deceased.

(c) It is further submitted by the learned counsel assisting to prosecution that a criminal complaint was lodged against the son (A-1) of the petitioner/accused No.2 vide FIR No.165 of 2026 of PS. Malkpet U/sec.329 (3), 115(2), 351(3) r/w.3(5) of BNS and U/sec.3(1) (r)(s) of the SCs & STs (POA) Act which was initiated by the deceased Advocate due to illegal trespass committed by the accused No.1 into the Waqf property of Mumtaz College at Malakpet. The deceased Advocate was also fighting and leading scores of other cases against the accused Nos.1 and the petitioner/accused No.2 herein in respect of many other Waqf properties to grab them. The deceased is only person to protect the Waqf properties and he petitioner/accused No.2 and his son who is accused No.1 along with others conspired together to eliminate the deceased as he is only person to create more hurdles to them in protecting the Waqf properties and accordingly executed their plan and to eliminate the deceased.

(d) The learned counsel assisting the Additional Public Prosecutor further submitted that after formation of separate state of Telangana the attacks on

Advocates were started. There are criminal and Civil cases pending against the petitioner/accused No.2. The petitioner/accused No.2 aged about 84 years and if he is suffering from any ailments medical treatment may be provided by the jail authorities. The other accused who are absconding are yet to be apprehended. The police custody petition of the petitioner/accused No.2 was dismissed and the steps have been taken by the State to file a revision petition against the dismissal of police custody petition. If the petitioner/accused No.2 is enlarged on bail without police custody, it causes threat to the family members of the deceased and society. The investigation is in progress. Ill-health and wheel chair are not grounds to grant bail. The prosecution played a video in open court stating that this is not proper stage to grant bail. Hence, prayed to dismiss the bail petition.

10) The learned Additional Public Prosecutor on behalf of state submitted his oral arguments that the investigation is in preliminary stage and the other absconding accused No.6 and 7 are yet to be apprehended and seizure of their cell phones for getting more information. The prima-facie material is available against the petitioner/accused No.2 about his involvement in this case. At this stage, if the petitioner/accused No.2 enlarged on bail, there is

every likelihood of threatening and influencing the witnesses. Hence, he prayed to dismiss the bail petition of the petitioner/accused No.2 in the interest of justice.

11. Perused the case records and also perused all the material papers and case laws submitted by the learned counsel for the petitioner/accused No.2 and learned counsel for defacto complainant and the learned Additional Public Prosecutor and their oral arguments. The allegations against the petitioner / accused No.2 are serious in nature. The learned counsel for the petitioner/accused No.2 submitted that the allegations made against the petitioner are totally false and baseless and he is a law abiding citizen and innocent and nothing to do with the alleged offences. In the complaint lodged by the defacto complainant it has been mentioned therein that he is one of the suspect persons in the this case. The petitioner/accused No.2 was initially shown as Accused No.2 in the FIR dated 23-05-2026, no evidence was found by the police at the time of investigation to show his involvement in the present case. But one D.Kishan @ Pappu (A3) was remanded in the present case dated 28-05-2026, even that remand report does not disclose the name of the petitioner/accused No.2. Thereafter in the said remand report

the police have shown seven persons as accused but the petitioner name was not shown as an accused person therein. After apprehension of some of the accused, shown the petitioner by implicating his name in this case is clearly an afterthought. The petitioner/accused No.2 is aged about 84 years and medically suffering with old aged ailments and he is unable to walk or stand and he is only moving on wheel chair and prayed to enlarge the petitioner/accused No.2 on bail.

12. On the other hand the learned counsel for defacto complainant, who assisted the prosecution and the Additional Public Prosecutor have submitted their oral arguments that the prema-facie material is available about the involvement of the petitioner/accused No.2. The police custody petition for obtaining custody of the petitioner/accused No.2 was dismissed and the steps have been taken by the State to file revision against the dismissal of police custody petition. If the petitioner/accused No.2 is enlarged on bail without police custody, it causes threat to the family members of the deceased and society. The investigation is in progress. Ill-health and moving on wheel chair are not grounds to grant bail. If any medical assistance required by the petitioner/accused No.2, the authorities concerned may provide for the same.

The names of the accused will be referred in the remand case diary based on the investigation details. The petitioner/accused No.2 and his son who accused No.1 conspired together to eliminate the deceased, who was an hurdle to their garbing properties belonging to Waqf, hatched a plan and executed along with other accused. There are several cases pending against the petitioner/accused No.2 and his son in various courts. Hence, prayed to dismiss the bail petition.

13. This court has heard the learend counsel for the petitoiner, learned counsel who assisted the prosecution on behalf of defacto complainant and the learned Additional Public Prosecutor at length. They have also placed reliance on record voluminous material running into several pages. The material includes, inter alia, copies of the complaint, FIR, remand report, statements recorded under section 161 Cr.P.C. Panchanamas, medical records, representations submitted by the deceased to various constitutional authorities and public functionaries, along with copies of judicial precedents and other documents relied upon by the respective parties. This court has carefully perused and considered the entire material placed before this court. However, for the purpose of deciding the present bail application, it is

neither necessary nor appropriate to advert to or discuss each and every document or contention in detail, lest any observation may prejudice either side during the course of investigation or trial. Reference is, therefore, confined only to those facts and aspects which are necessary for deciding the present bail application.

14. “The mere omission to specifically refer to any particular document, submission, or precedent shall not be construed to mean that the same has not been considered by this court.”

15. At the stage of consideration of a bail application, this court is not expected to conduct a meticulous examination of the evidence or record findings on the merits of the case. The court is only required to ascertain whether a prima-facie case is disclosed from the material placed before it, and whether the petitioner is entitled to the discretionary relief of bail. On a prima-facie consideration of the remand report and the material collected during the investigation, there are allegations indicating the involvement of the petitioner/accused No.2 in the alleged conspiracy leading to the death of

the deceased. The allegations are serious in nature and cannot be brushed aside at this stage.

16. At the stage of consideration of bail, this court is not expected to conduct a detailed appreciation of evidence or record findings on the merits of the prosecution case. The court is only required to examine whether a prima-facie case is made out and whether the discretionary relief of bail ought to be granted. The allegations against the petitioner are grave and serious in nature and relate to an offence punishable under section 103 of BNS. The material placed before this court prima-facie disclosed the involvement of the petitioner in the alleged offence. The accusation pertains to a planned homicidal act allegedly committed pursuant to a criminal conspiracy. The gravity of the offence, coupled with the manner in which the occurrence is alleged to have taken place, weighs against grant of bail. The investigation is at a crucial stage and release of the petitioner at this juncture may prejudice the ongoing investigation. The apprehension of the prosecution regarding influencing witnesses or tampering with evidence cannot be said to be unfounded. The discretionary relief of bail cannot be granted merely on sympathetic considerations when the allegations disclose a serious offence

involving loss of human life. Age by itself cannot be treated as a decisive ground for grant of bail in the facts and circumstances of the present case. This court is of the considered opinion that the petitioner has not made out a case for grant of regular bail at this stage.

17. Therefore, having regard to the nature and gravity of the accusations, the prima-facie material available on record, the allegation of criminal conspiracy, the stage of the investigation, and the possibility of interference with the investigation, or influencing witnesses, this court is not inclined to exercise the discretionary jurisdiction power in favour of the petitioner.

18. Perusal of case diaries, the case laws submitted by both sides in support of their contentions, the material available on record and the oral submissions of learned counsels, this court is of the view that the allegations against the petitioner/accused No.2 are serious in nature. It is a fact that the disputes between the both parties arose with regard to the Waqf properties and there are existing criminal and civil cases. Now the investigation is in preliminary stage. The real facts will come into the light only after thorough investigation. Hence, this court is of the opinion that it is not fit and proper

stage to enlarge the petitioner/accused **No.2** on bail. Hence petition is liable to be dismissed. The point is answered accordingly.

17. In the result, the petition is dismissed.

Typed to my dictation directly by Stenographer-Gr.1 of this Court, corrected and pronounced by me in the open court on this the 14th day of July, 2026.

Sd/-
VII ADDL. SESSIONS JUDGE
HYDERABAD