

**IN THE COURT OF THE IX ADDL. SESSIONS JUDGE : HYDERABAD**

**Present : Sri. K.Ajesh Kumar,  
V Addl. Sessions Judge,  
FAC IX Addl. Sessions Judge,  
Hyderabad.**

**Dated this the 22<sup>nd</sup> day of July, 2026**

Criminal M.P.No.2981/2026

in

Cr. No.113/2026 of PS Mirchowk.

**Between :**

Adil, S/o. Iqbal Khan,  
Aged 35 years, Occ: Fabrication work,  
R/o. 19-4-370/B/9, Chirag Ali Nagar,  
Kishanbagh, Bahadurpura, Hyderabad.

**.....Petitioner/Accused.**

AND

State of Telangana through  
P.S. Mirchowk, Hyderabad.

**.....Respondent/Complainant.**

This petition is coming for hearing before me in the presence of Ms. Shaheen Begum, Counsel for the Petitioner/Accused and Additional Public Prosecutor for the Respondent/State and having heard the matter and stood over for consideration till this day, this Court has made the following:

**ORDER**

1). This is a bail petition filed by the Petitioner/Accused under Sec.483 of BNSS to enlarge the Petitioner/Accused on bail in Cr.No.113/2026 of PS Mirchowk.

2) a) The averments of the bail petition, in brief, are that the petitioner has been falsely implicated in Cr.No.113/2026 of Police Station Mirchowk for the offence punishment U/sec.103(1) of BNS and he was arrested on 21-4-2026 and since then he is in judicial custody.

b) The entire prosecution case rests exclusively on circumstantial evidence

and there exists no direct eye witnesses to the alleged incident.

c) The Prosecution seeks to implicate the Petitioner/Accused primarily on the basis of an alleged confession made before the police. It is settled law that motive alone cannot take the place of proof and becomes relevant only when supported by cogent evidence. It is submitted that the alleged confession recorded by the police is inadmissible in evidence under Section 23 of the BSA 2023, except to the limited extent permissible for proving recovery.

d) The Petitioner/Accused has been in judicial custody for a considerable period. The prosecution is already in possession of all material evidence sought to be relied upon. Therefore, no useful purpose would be served by further detention of the Petitioner/Accused.

e) The prosecution does not have a single direct eye witness to the alleged act of stabbing. The entire case of the prosecution is founded exclusively on circumstantial evidence.

f) It is a settled principle of criminal jurisprudence that in cases resting upon circumstantial evidence, the prosecution is required to establish a complete and unbroken chain of circumstances pointing unerringly towards the guilt of the accused and excluding every hypothesis consistent with innocence. In *Sharad Birdhichand Sarda Vs. State of Maharashtra*, AIR 1984 SC 1622, the Hon'ble Supreme Court authoritatively laid down the Five Golden Principles governing appreciation of circumstantial evidence, inter alia, that the circumstances must be fully established, must be consistent only with the guilt of the accused, and must form a complete chain excluding every possible hypothesis other than guilt.

g) The prosecution has failed to establish a complete chain of circumstances and the alleged circumstances relied upon by the prosecution are matters requiring strict proof during trial and are yet to be tested by cross-examination.

h) Mere gravity of the alleged offence cannot eclipse the presumption of innocence, particularly when the prosecution case is founded on circumstantial evidence and the trial is yet to commence. The Hon'ble Supreme Court has repeatedly held that bail is the rule and jail the exception, and that pre-trial detention cannot assume the character of punishment." Reliance is placed on Sanjay Chandra Vs CBI and Dataram Singh v. State of Uttar Pradesh.

i) The gravity of the offence, though a relevant consideration, cannot by itself be a decisive ground to deny bail, particularly where the prosecution case rests substantially on circumstantial evidence and the guilt of the Petitioner/Accused is yet to be established at trial.

Hence, prayed to enlarge the Petitioner/Accused on bail in the interest of justice.

3) On the other hand learned the learned Additional Public Prosecutor for Respondent/complainant has filed the counter opposing the bail petition of the Petitioner/Accused on the following grounds:-

i) The offence has caused immense trauma to the family of the deceased, including their children, and has created fear and insecurity in the locality. Granting bail at this stage would adversely affect public confidence in the administration of justice.

ii) The relatives of Deceased No. 2 are deeply aggrieved by the brutal

murder. If the accused is released on bail at this early stage, there is every likelihood of confrontation between the accused and the relatives of the deceased, which may result in retaliation, breach of peace, or the commission of another heinous offence.

iii) The deceased are left behind legal heirs, including minor children. If released on bail, there is a reasonable apprehension that the accused may threaten or eliminate the legal heirs, who are the lawful successors to the movable and immovable properties of the deceased, with an intention to remove obstacles in claiming or influencing their property rights.

iv) There is every possibility that the accused may interfere with the smooth conduct of the trial by influencing the witnesses or creating obstacles in the prosecution case.

v) Considering the seriousness of the punishment prescribed for the offence, there is a reasonable apprehension that the accused may abscond or evade the judicial process if released on bail.

Hence, prayed to dismiss the bail petition of the Petitioner/Accused in the interest of justice.

4) Heard the Learned Counsel for the Petitioner/Accused and Learned Additional Public Prosecutor for Respondent/ Complainant. The Learned Counsel for the Petitioner/Accused has submitted written arguments in support of his submission alongwith the decisions of the Hon'ble Apex Court.

5) Now the point for consideration is:-

**“Whether the Petitioner/Accused shall be enlarged on bail, in Cr.No.113/2026 of PS Mirchowk,as prayed for?”**

6) **POINT:** The case of the prosecution is that the Petitioner/Accused has been involved in the commission of offence of murder, wherein he hatched a plan to eliminate the deceased/ D1 and D2 by stabbing them with a hand made knife at the neck and chest due to which deceased/D1 and D2 have received severe stab injuries due to oozing of the blood. The deceased/D1 and D2 died on the spot. This incident made the complainant to lodge the report in the Police Station Mirchowk. Basing on the complaint, police have registered the case in Cr.No.113/2026 for the offence U/sec.103(1) BNS.

7) The learned Counsel for petitioner/Accused has submitted in his bail application that entire prosecution case is based upon the circumstantial witnesses, which required the strict proof during the trial and tested by the cross-examination. More over, a confession made by the accused is inadmissible in evidence under Section 23 of the BSA, 2023 except for discovery of facts.

8) In support of his contention the counsel for petitioner/accused has relied upon the decisions of Hon'ble Supreme Court in between Aghnoo Nagesia Vs State of Bihar, reported in 1966 AIR 119 and also *Sharad Birdhichand Sarda v. State of Maharashtra, AIR 1984 SC 1622*

9) The bail application of the petitioner/accused has been strongly opposed by the prosecution to consider the seriousness of the offence committed by the petitioner/Accused.

10) As seen the Remand Case Diary, the petitioner/accused has been arrested on 21-4-2026 in connection with this crime for offence U/sec.103(1) BNS and

produced before the VIII Additional Chief Judicial Magistrate, Hyderabad since then he is in judicial custody. The police Mirchowk have completed the investigation of this case examining all the witnesses including Investigating Officer. When the material part of the investigation is completed and petitioner/accused is in judicial custody which serves no purpose for the investigation agency as such, I deem fit to allow the petition of the Petitioner /accused in the interest of justice.

11) In the result, the Petition is allowed and the Petitioner/Accused is enlarged on bail on executing a personal bond of Rs.25,000/- with two sureties for a like sum to the satisfaction of VIII Addl.Chief Judicial Magistrate, Hyderabad on the following conditions:-

1) The Petitioner/Accused shall not make any inducement, threat or promise to the complainant or witnesses who are acquainted with the facts of the case.

2) The Petitioner/Accused shall cooperate with the investigation agency for the purpose of investigation if any.

3) The Petitioner/Accused shall attend before the SHO, Mirchowk on every Thursday in between 02:00 PM to 5:00 PM until filing of charge sheet or for a period of three months, whichever is earlier.

Dictated to the Stenographer Gr.II, transcribed and typed by her corrected and pronounced by me in the open Court, on this the 22nd day of July,2026.

**Sd/-**

**V ADDL. SESSIONS JUDGE,  
FAC IX ADDL. SESSIONS JUDGE,  
HYDERABAD.**