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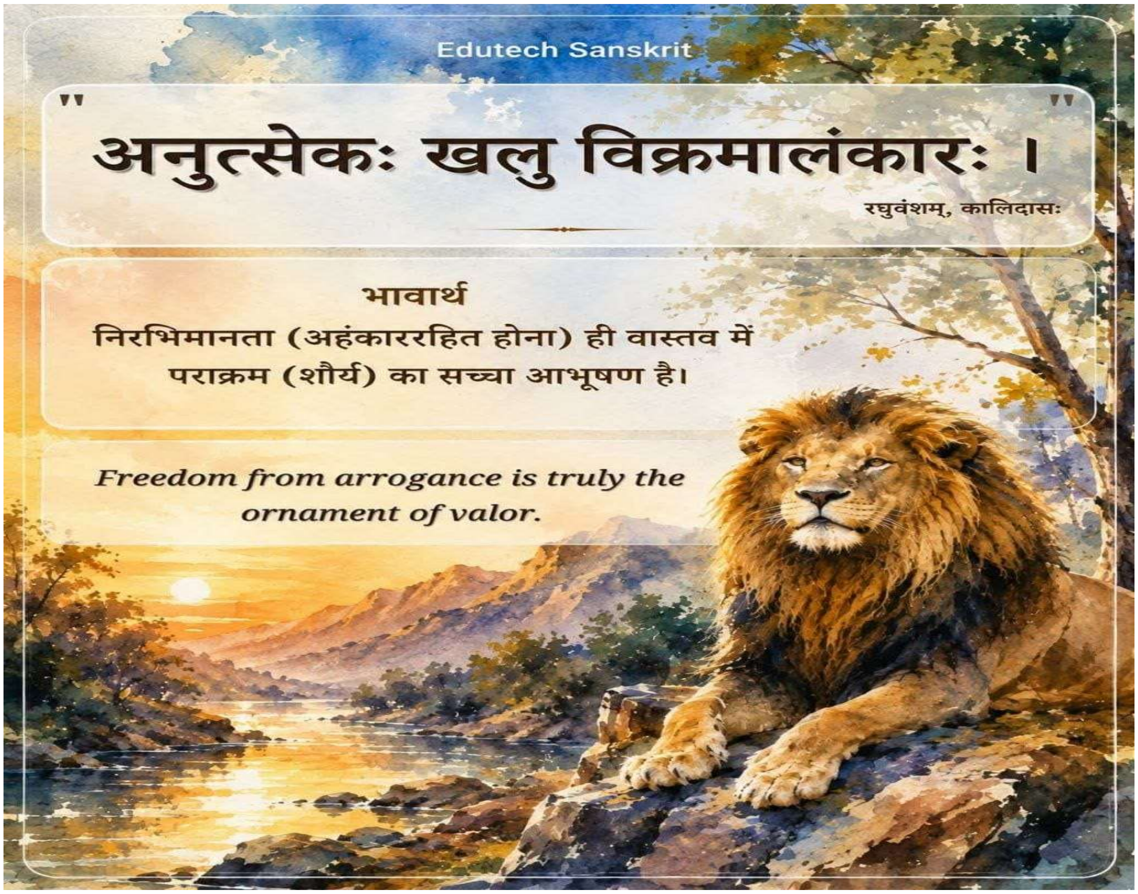

CITATIONS

2026 0 INSC 784; 2026 0 Supreme(SC) 858; Dr. Lokesh B.H. & Ors. Vs. State of Karnataka & Anr.; Criminal Appeal No (s). of 2026 (Arising out of SLP(Crl.) No(s). 2240-2241 of 2026); Decided On : 03-08-2026

(i) Section 498A is held to be applicable to "live-in relationships" that qualify as "relationships in the nature of marriage" with the intent to marry being established as an intrinsic part thereof;

(ii) The "live-in relationships" protected by Section 498A, it is stated for ample clarity, are those that are between two consenting adult individuals;

(iii) The proposition of law as laid down shall be limited to Section 498A IPC only, and this extended interpretation shall not affect any other provision;

(iv) The safeguards against arrest and other factors as laid down in Arnesh Kumar supra shall be strictly applied and no person in a relationship in the nature of marriage having been accused of committing cruelty against a woman, being either the live-in partner "in the nature of marriage" or his relative, shall be arrested without preliminary enquiries.

https://indiankanoon.org/doc/21746827/; Sri Sama Venkat Reddy And Another vs State Of Telangana And Another; CRIMINAL PETITION No.9556 OF 2022; 04.08.2026;

In the instant case, however, the complainant has specifically alleged that the registered AGPA itself was obtained by practising deception under the guise of a security document for a loan and that the authority conferred thereunder was subsequently misused to execute a registered Sale Deed in favour of the daughter of the first petitioner. Whether the document was voluntarily executed as part of a genuine sale transaction, as contended by the petitioners, or whether it was procured by fraudulent inducement and subsequently misused contrary to the understanding between the parties, as alleged by the complainant, are matters requiring evidence. The determination of these issues would necessarily involve an appreciation of both oral and documentary evidence, including an examination of the circumstances surrounding the execution of the registered documents and the subsequent conduct of the parties. Such an exercise cannot appropriately be undertaken in proceedings under Section 482 of the CrPC. It is equally well settled that the mere availability of a civil remedy is not, by itself, a ground to quash criminal proceedings if the allegations, taken at their face value, disclose the essential ingredients of a cognizable offence. At the same time, criminal law cannot be permitted to be invoked merely for settling civil disputes. Therefore, the Court must strike a balance between preventing abuse of the criminal process and ensuring that a legitimate prosecution is not stifled at the threshold.

https://indiankanoon.org/doc/54455781/; Varsha Singh vs The State Of Telangana on 4 August, 2026; WRIT PETITION No.35084 of 2025 (DB)

The material placed before the detaining authority shows that the detenu was allegedly involved in possession and transportation of commercial quantities of ganja on more than one occasion. Drug trafficking is not an offence confined to an individual. It has serious consequences on society, particularly on young persons, by promoting addiction, affecting public health and disturbing the normal tempo of life in the community. The menace of narcotic drugs has assumed alarming proportions and poses a serious threat to society at large. Therefore, habitual involvement in trafficking of commercial quantities of narcotic substances cannot be viewed as a mere law and order issue.

23. The Hon'ble Supreme Court has consistently held that habitual involvement in narcotic offences has a direct impact on public order. In D.M. Nagaraja(supra), and the Division Bench decisions of this Court in V. Shantha(supra), Haleem Sadiya (supra),

and DharavathLaxmi(supra), it has been held that repeated involvement in drug trafficking justifies preventive detention where the activities disclose a continuing threat to public order.

24. The contention that since prosecution under the NDPS Act is pending, preventive detention could not have been invoked cannot be considered. The Hon'ble Supreme Court in HaradhanSaha(supra) held that criminal prosecution and preventive detention operate in different fields. Criminal prosecution punishes a person for an offence already committed, whereas preventive detention is intended to prevent him from committing similar prejudicial acts in future. Therefore, merely because prosecution is pending under the ordinary law, the detaining authority is not precluded from exercising powers under the preventive detention law. Preventive detention is not intended to punish a person for an offence already committed but to prevent him from committing similar prejudicial acts in future.

25. The contention relating to grant of bail also cannot be considered at this point. In Kamarunnisa(supra), the Hon'ble Supreme Court held that even if a person is in judicial custody, an order of preventive detention can be passed provided the detaining authority is aware of such custody, is satisfied that there is a real possibility of his release on bail, and further records its satisfaction that he is likely to indulge in prejudicial activities upon such release.

2026 0 INSC 802; 2026 0 Supreme(SC) 875; Arjun Jani @ Tuntun Vs. State of Orissa; Criminal Appeal No. 3639 of 2026 (@Special Leave Petition (Crl.) No. 7128 of 2026); Decided On : 04-08-2026

The eyewitness testimony alone resulted in the conviction of the accused, which is not impermissible, but only when the testimony is believable, credible, consistent with the other circumstances and inspires the confidence of the Court and not when there are serious discrepancies raising a reasonable doubt as to the witnessing of the incident.

None were awakened in the night despite three murders having occurred at night. The three bodies were strewn around at the scene without any explanation as to why the victims came out of the house in the dead of the night. None of the relatives or co-inhabitants of the deceased were examined, nor was it brought out that they were residing alone.

As we found, the testimony of the eyewitness is shaky and highly improbable, it does not lead to a definite conclusion that the accused murdered the three women. In any event, though the accused was alleged with three murders, he has been convicted for only one, of that witnessed by PW3. We are of the opinion that the prosecution leaves a lot to be desired and there lingers a serious doubt in our minds as to the finding of guilt entered by the trial court on the sole testimony of the eyewitness, which in the given circumstances is found to be highly improbable. We hence set aside the judgment of the trial court and acquit the accused.

2026 0 INSC 817; 2026 0 Supreme(SC) 891; Sandeep Shukla Vs. State of U.P. & Anr.; Criminal Appeal No. 3738 of 2026 (@Special Leave Petition (Crl.) No. 4695 of 2026); Decided On : 05-08-2026

If there is a money transaction and the appellant has a demand for its return, the remedy is not to initiate criminal proceedings but to file a civil suit for recovery. As we noticed, the second installment is said to have been made on 27.01.2020 and the first complaint raised before the Superintendent of Police was on 13.03.2023, which is clearly after limitation had expired to file a suit for recovery of money. Time and again this Court has noticed that criminal proceedings are not a measure of recovery of money and civil disputes cannot be converted into criminal prosecution as an arm-twisting method to coerce the accused arrayed to satisfy the demand of money raised.

{Investigation revealed that there was no Flat in existence, which was agreed to be sold to the victim, the 138 NI proceedings were dismissed which attained finality. There was no discussion regarding the dishonest intention to cheat right from inception}

2026 0 INSC 820; 2026 0 Supreme(SC) 894; The State of Andhra Pradesh Home Department Vs Ponthati Siva Rami Reddy And Others; Criminal Appeal No. 2120 Of 2017; Decided On : 10-08-2026

the statement of the victim at Exhibit 10 is perused, it is seen that the same is in great detail. It narrates the previous history as well as enmity between the victim and A1 to A4. The said statement runs into a page and a half. It is in fact a ‘blow by blow’ account given by the victim vividly describing the attack in detail. Considering the nature of injuries suffered by the victim, which were twenty-two in number with many of them being grievous, such detailed narration by a seriously injured victim does raise a serious doubt. The victim was under treatment for serious injuries suffered by him and as suggested to the Doctor on duty, the likelihood of the effect of tranquilizers on the victim cannot be ruled out.

Before parting, we state that the following observations of the High Court in the impugned judgment do not meet our approval. The said observations read as under:

“Though no witness spoke on these lines, what appears to this Court is that, on the eventful night, the farmers went to the field for irrigating their crops, may be on account of shortage of power or water; and in a scuffle, the deceased received serious injuries in the hands of the accused. Had there been a clear intention, or plan for the accused to kill the deceased, there would not be an occasion for the deceased being shifted to the hospital, and is being in a position to speak. If four persons, armed with deadly weapons, attack an individual, with an objective of killing him, normally, they would leave the spot, only after confirming that the attacked person breathed his last."

The High Court having itself noted that no witness had deposed on the aforesaid lines, there was no reason at all for it to comment further on the matter. The aforesaid observations are based purely on surmises and conjectures. The order of conviction under Section 302 read with Section 34 of the Penal Code has been modified by the High Court to one under Section 304 Part II of the Penal Code on this basis. Though the learned counsel for the appellant argued vehemently against the reasonings given by the High Court, the evidence on record is, however, not sufficient to restore the conviction under Section 302 read with Section 34 of the Penal Code. On the other hand, A1 to A4 having suffered the sentence as imposed by the High Court and the modified conviction having not been challenged by them, in our view, the matter deserves a quietus.

2026 0 INSC 825; 2026 0 Supreme(SC) 898; Rahul Vs State of Uttar Pradesh And Another; Criminal Appeal No. 3774 of 2026 (Arising out of SLP (Crl.) No. 2939 of 2026); Decided On : 11-08-2026

The post-mortem report unequivocally records that the deceased died due to "asphyxia as a result of ante-mortem hanging." Apart from the ligature mark around the neck, no other ante-mortem injuries were found on the body. The medical officer did not notice abrasions, contusions, nail marks, defensive wounds or any injury suggestive of resistance, restraint or physical assault.

22. Medical evidence undoubtedly does not by itself determine whether death is suicidal or homicidal. Nevertheless, where the prosecution alleges homicidal violence involving several accused acting in concert, the complete absence of injuries ordinarily expected in a struggle assumes considerable evidentiary significance.

23. Equally significant is the contemporaneous inquest report. The Panchayatnama prepared immediately after the occurrence records that both the main entrance of the house and the room where the deceased was found hanging and were locked from inside and had to be opened from outside.

24. An inquest report is not substantive evidence regarding guilt. Nevertheless, being a contemporaneous official record prepared immediately after the occurrence constitutes an important surrounding circumstance. The prosecution has offered no satisfactory explanation as to how, if the deceased had been murdered by the accused persons and thereafter hanged, the room and even the main gate came to be found

bolted from inside. This circumstance assumes even greater importance when read conjointly with the medical evidence.
The offence under Section 304-B IPC requires the prosecution to establish, inter alia, that the deceased was subjected to cruelty or harassment by her husband or his relatives for, or in connection with, a demand for dowry, "soon before" her death. It is true, as urged on behalf of the respondents, that physical presence at the precise moment of death is not, by itself, an ingredient of the offence, and that cruelty or harassment "soon before" death may be established through conduct, including telephonic threats occurring even while the accused is stationed elsewhere. The appellant's absence from place of occurrence on date of incident does not, therefore, by itself, exonerate him of the charge. However, no call-detail records were ever obtained to independently verify, establish or assert, even this solitary telephonic thread that said to connect the appellant to the alleged demand.
33. The fourth and last circumstance relates to the effect of acquittal of appellant’s parents. An order of acquittal of co-accused, rendered on an identical body of evidence, does not automatically bind or exonerate a differently situated co-accused whose case may rest on distinct material. That principle, however, presupposes that the case of the co-accused sought to be proceeded against is, in fact, distinguishable on the evidence. Here, no such distinguishing evidence exists. The evidence relied upon by the prosecution against the appellant is not merely similar to, but is the very same evidence that was found insufficient, on trial, to sustain a conviction of his parents and the solitary additional element said to distinguish the appellant's role viz, the telephonic demand attributed to him alone stands substantially neutralised by the complete absence of any call-detail record to verify even that solitary allegation and by the unimpeached and, indeed, prosecution-corroborated proof of his absence from the State at the relevant time.

2026 0 INSC 830; 2026 0 Supreme(SC) 901; Ram Singh Vs. The State Of Himachal Pradesh; Criminal Appeal No. 1052 of 2016; 11-08-2026
As per the Indian Journal of Modern Research and Reviews, Volume 2 Issue 6, June 2024 it has been opined in the studies conducted that blood presence could be detected by the ‘Benzidine test’ till the tenth washing, irrespective of detergent use. It is only after multiple washings that the efficacy of Benzidine in detecting bloodstains could be questioned. In ‘A Textbook of Medical Jurisprudence and Toxicology’ by Modi, 28th Edition it has been stated that negative results in a screening test are reliable and negative areas on any article need not be examined further to avoid wastage of time.

The chief examination incriminates the accused only with a quarrel, not to the extent of a long-lasting marital discord. Even if the Court found the cross-examination to be not credible, it was not proper for the Court to assume that the version of PW1 to PW3 was an afterthought. Insofar as the earlier version referred to in the impugned judgement, obviously it is the Section 161 statements, which cannot be relied on for convicting an accused. Their testimony before Court is what has to be relied on for conviction or acquittal and earlier versions have to be put to the witnesses and the contradictions elicited as having occurred, by confirming such Section 161 statements from the Investigating Officer (IO). PW1 to PW3 were never declared hostile not were they re-examined after they exculpated the accused in the cross-examination and propounded the theory of suicide. The High Court egregiously erred in finding the testimony to be contrary to their earlier version, when neither was the earlier version put to the witnesses nor the statements allegedly made, confronted to the IO. PW1 to PW3 do not at all support the prosecution case.

2026 0 INSC 846; 2026 0 Supreme(SC) 922; Parag Kishore Satoskar And Others Vs State Of Jharkhand And Another; Criminal Appeal No. 3803 of 2026 [Arising Out Of SLP (CRL.) No.3933 of 2025] with Criminal Appeal No. …. Of 2026 (Arising Out Of SLP (Crl.) No. 3996 of 2025); 12-08-2026

The termination of the distributorship carries the matter no further. It is enough to say that the exercise of a power under the contractual terms is not, by itself, an act of deception. Where a contracting party brings the contract to an end in the manner the contract permits, the remedy of the other party, if the termination is wrongful, is to claim damages. To convert that into the offence of cheating, the information would have to allege facts showing that the termination was the culmination of a design formed at the outset. It alleges no such thing, and in the absence of such an allegation the information furnishes no foundation for action under the BNS.

2026 0 INSC 849; 2026 0 Supreme(SC) 925; Union Of India Vs. Sunil Biyani; Criminal Appeal No. 3795 of 2026 [Arising Out of SLP (CRL.) NO. 12535 OF 2026]; Decided On : 12-08-2026

it is a settled position of law that even in cases where a petition seeking quashing of FIR or charge-sheet is dismissed, no interim relief can be granted by the high courts. In a similar vein, we have no hesitation to supplant the principle in cases of application seeking pre-arrest bail. We hold that while dismissing a petition seeking pre-arrest bail on the ground that the same is not maintainable – whatever be the ground therefor – the high court or the sessions court, as the case may be, cannot extend or grant protection which is in the nature of interim relief that could be granted during the pendency of the application.

2026 0 INSC 852; 2026 0 Supreme(SC) 926; Balku Oram Vs. State of Odisha: Criminal Appeal No. 2298 of 2026; Decided On : 13-08-2026
It is a well-established rule in criminal jurisprudence that direct ocular evidence if found to be natural, cogent and trustworthy, constitutes the best form of evidence and ordinarily prevails over all forms of evidence. This Court in Shahaja alias Shahajan Ismail Mohd. Shaikh (supra) held thus:
“30. To put it simply, in assessing the value of the evidence of the eyewitnesses, **two principal considerations are whether, in the circumstances of the case, it is possible to believe their presence at the scene of occurrence or in such situations as would make it possible for them to witness the facts deposed to by them and secondly, whether there is anything inherently improbable or unreliable in their evidence. In respect of both these considerations, the circumstances either elicited from those witnesses themselves or established by other evidence tending to improbabilise their presence or to discredit the veracity of their statements, will have a bearing upon the value which a court would attach to their evidence.** Although in cases where the plea of the accused is a mere denial, yet the evidence of the prosecution witnesses has to be examined on its own merits, where the accused raise a definite plea or puts forward a positive case which is inconsistent with that of the prosecution, the nature of such plea or case and the probabilities in respect of it will also have to be taken into account while assessing the value of the prosecution evidence.
31. There is nothing palpable or glaring in the evidence of the two eyewitnesses on the basis of which we can take the view that they are not true or reliable eyewitnesses. **Few contradictions in the form of omissions here or there is not sufficient to discard the entire evidence of the eyewitnesses.”**
(emphasis supplied)
it is well settled that a mere relationship with the deceased does not render a witness interested or unreliable. A close relative, who is a natural witness, cannot be equated with an interested witness merely because of such relationship.
In the light of the aforesaid precedents, the contention of the appellant in our view is devoid of any merit since it is well settled that a mere relationship with the deceased does not render a witness interested or unreliable. A close relative, who is a natural witness, cannot be equated

with an interested witness merely because of such relationship. In the facts of the present case, the direct testimony of P.W.3 has been duly corroborated with medical evidence which further establishes the guilt of the appellant beyond reasonable doubt.

mere delay in lodging of the report may not by itself be fatal to the case of the prosecution, but the delay has to be considered in the background of the facts and circumstances in each case and is a matter of appreciation of evidence by the court of fact.

31. While parting with the case, we would just like to say that the facts of the present case has deeply disturbed the conscience of this Court, wherein a defenseless women was branded as a practitioner of witch-craft and what effect it must have had on the daughter of the deceased who had to witness her mother being killed in the most brutal way.

32. It is true that the malady of witch hunting still plagues sections of our society, where prejudice, superstition and irrational fear supersedes the rule of law, constitutional morality. The brutality associated with witch hunting extends far beyond the act of killing; where victims mostly women are subjected to torture, beatings, sexual violence and social ostracization. In such a situation, superstitious beliefs or fears are given precedence leading to vulnerable women becoming victims of collective hostility.

33. Sometimes in the most difficult situations, it often becomes an easy escape to blame a woman for the acts she did not commit, thus reflecting a deeply rooted social prejudice that often seeks scapegoats rather than solutions. In such situations, what can be given an ascendency is ‘reason’ for reason is the only virtue that stands as a bulwark against collective irrationality.

2026 0 INSC 850; 2026 0 Supreme(SC) 928; Balesh Kumar Kuraiti Vs. State of Chhattisgarh; Criminal Appeal No. 3783 of 2026@ Special Leave Petition (Criminal) No. 7030 of 2026; Decided On : 12-08-2026

31. Before we part with this matter, we find it necessary to make certain observations. This is regrettably not the first case to come before the courts involving the sexual abuse and brutal violation of a child. What is particularly disturbing is the increasing frequency of such offences, which, if left unchecked, threatens the very moral and social fabric of society in the years to come.

32. A child who ought to grow up in an atmosphere of love, trust and security but instead learns fear, mistrust and vulnerability. The innocence once stolen can mostly never be returned. The trauma suffered by a child, if left unaddressed and unhealed may influence the manner in which that child perceives relationships, authority and society itself. It can impair emotional well-being, education, self-worth and the ability to lead a life of

dignity. The damage extends beyond the individual victim, affecting families, communities and ultimately the collective conscience of the Society, which leads to social disintegration.

33. While no sentence can erase the pain inflicted upon a child, we hold the responsibility of holding offenders accountable, deterring such crimes and also reaffirming society's commitment to safeguarding its children. The obligation is also to ensure that every child survivor receives timely psychological care, rehabilitation, and a supportive environment to rebuild a life that has been so cruelly disrupted. Every act of child sexual abuse is an assault upon humanity itself which aims at rule of law. It begins with safe homes that lead to the safer society.

34. With greatest concern to our children, we deem it appropriate to direct all the appropriate authorities concerned, right from the police, to ensure that the legal process is less intimidating and more reassuring to the children who are unfortunate sufferers of harsh illegal acts. There has to be timely and effective enforcement of justice and protection to the child victims at all times.

Following the Amendment in 2019, which was brought into force with effect from 16.09.2019, the phrase **“which shall mean imprisonment for the remainder of natural life of that person”** was added after the words **“imprisonment for life”.** It also enhanced the minimum sentence from rigorous imprisonment of 10 years to rigorous imprisonment of 20 years. The backdrop of amendment as explained in the Statement of Objects and Reasons to the Amendment Act is primarily to take stringent action against perpetrators of child sexual abuse, who by their repeated barbaric acts destroy not only the childhood but also disturb the mental construct of that child and lead to destructive social disintegration in the generations to come. With the paramount interest of the life of the child, the said amendment was effected to and needless to say, it operated prospectively.

17. The expression **"imprisonment for life"** , as it stood prior to the amendment, signifies a sentence of imprisonment for life and although in literal sense it means that the accused shall remain imprisoned for the remainder of his life, it does not specifically bar any statutory remedy available. Imprisonment for life simpliciter entitles the convict to seek the benefit of early release as per the statutory regime subject to the fulfilment of the prescribed conditions therein. Such considerations, however, have to be mandatorily fulfilled for the accused person to avail the benefit of early release such as remission.

2026 0 INSC 854; 2026 0 Supreme(SC) 930; Kashmir Ram @ Pappi Vs, State Of Punjab; Criminal Appeal No. 3897 of 2025; 12-08-2026

Taking the grounds together, as we are bound to do, our conclusions upon the merits are these. There was substantial compliance with Section 42 of the NDPS Act 1985, and no prejudice was occasioned to the Appellant. Section 50 was not attracted to the search which produced the recovery, and the consent given by the accused was in any event not procured by any concealment as to the rank of the officer before whom it was given. The interval preceding the dispatch of the samples is a procedural irregularity which is answered by a contemporaneous judicial order recording the seals to be intact, and no material suggests that the integrity of the samples was in fact compromised. The report of the Chemical Examiner was admissible without formal proof and its author was never sought to be examined. The requirement of associating independent witnesses was given effect to wherever the statute imposed it, and the recovery from the vehicle is separable in every material respect from that which was discarded. The infirmities in the oral evidence as noticed by the High Court, do not touch, the documentary and forensic material upon which the conviction rests. And the presumption arising under Section 54 of the NDPS Act 1985 was never displaced. Each of the grounds urged accordingly fails upon its own merits.

Relating to the submissions that the vehicle was never connected with the Appellant, it is sufficient to observe that what is material for the purposes of Section 15 of the NDPS Act 1985 is possession and not title. PW-02 established that the vehicle stood registered first in the name of M/s Plasma Records Entertainment and thereafter in the name of Buta Singh; that establishes who owned the vehicle, but it does not establish who was in possession of it, or of its contents, at 11:30 AM on 04.05.2014. Upon that question the evidence upon the record is that both accused were within the vehicle, that the driver attempted to turn it around upon being signalled to stop, and that ten bags of poppy husk lay beneath a tarpaulin immediately behind them. That the Appellant was seated adjoining the driver rather than at the wheel does not avail him, regard being had to Section 54 of the NDPS Act 1985, which provides:

“54. Presumption from possession of illicit articles. In trials under this Act, it may be presumed, unless and until the contrary is proved, that the accused has committed an offence under this Act in respect of (a) any narcotic drug or psychotropic substance or controlled substance … for the possession of which he fails to account satisfactorily.”

48. The presumption having thus been attracted, the onus lay upon the Appellant to account satisfactorily for the presence of the contraband. The only account tendered was that of false implication at the instance of the former Sarpanch, spoken to by DW-01, and that version was considered

and rejected by both the Courts below, the High Court holding that the defence had failed to create a dent in the case set up by the prosecution. DW-01 himself admitted that he had moved no application before any higher officer complaining of the alleged false implication and did not know of any such application having been moved by anyone else. Upon our own consideration of that evidence we are satisfied that it falls short of discharging the onus which the statute casts, and we hold that the presumption arising under Section 54 of the NDPS Act 1985 stood unrebutted. The rejection of that version by the Courts below is, in any event, neither perverse nor unsupported by the record, and thus, we decline to disturb it.

We turn now to the two related contentions upon which the Appellant placed his principal reliance before us, namely, the absence of independent witnesses, and the asserted inconsistency in convicting upon the one recovery while disbelieving the other. The absence of independent and respectable inhabitants of the locality was the very circumstance upon which the Special Court declined to act upon the recovery of eight bags from the house. That the same Court acted upon the recovery of ten bags from the vehicle does not, upon analysis, disclose any inconsistency. The two recoveries were effected at different places, at different hours of the day, and under different statutory requirements. The search of a dwelling house attracts Section 100(4) CrPC 1973, which reads:

"(4) Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more independent and respectable inhabitants of the locality in which the place to be searched is situate or of any other locality if no such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search and may issue an order in writing to them or any of them so to do."

43. The search of a vehicle intercepted upon a public road does not attract that provision. The Special Court applied the requirement where the statute imposed it, and declined to apply it where the statute did not; and in doing so it drew a distinction which the law itself draws, rather than falling into inconsistency. Nor is it correct to contend that the disbelief of one limb of a prosecution case must necessarily entail the rejection of the other. What is required of a Court is that it separate the acceptable from the unacceptable and act upon the former wherever the former is capable of standing upon its own feet. Adopting the words of this Court in paragraph 49 of Arvind Kumar alias Nemichand & Ors. v. State of Rajasthan, (2021) SCC OnLine SC 1099 referred to in Ramabora alias Ramaboraiah & Anr. v. State of Karnataka, (2022) SCC OnLine SC 996 :

"49. The principle that when a witness deposes falsehood, the evidence in its entirety has to be eschewed may not have strict application to the criminal jurisprudence in our country. The principle governing sifting the chaff from the grain has to be applied. However, when the evidence is inseparable and such an attempt would either be impossible or would make the evidence unacceptable, the natural consequence would be one of avoidance … When the discrepancies are very material shaking the very credibility of the witness leading to a conclusion in the mind of the court that is neither possible to separate it nor to rely upon, it is for the said court to either accept or reject."

Mohanlal case (supra), upon which the Appellant places reliance, is concerned principally with the machinery for the sampling, certification and disposal of seized narcotic substances and with the directions issued for securing the working of that machinery. It does not carry the Appellant's case beyond the point already considered, no material having been placed to suggest that the integrity of the samples was in fact compromised during the interval complained of. Apropos the non-examination of the Chemical Analyst, the report of the Chemical Examiner stood tendered under Section 293 CrPC 1973, which provides:

"(1) Any document purporting to be a report under the hand of a Government scientific expert to whom this section applies, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

(2) The Court may, if it thinks fit, summon and examine any such expert as to the subject-matter of his report."

41. The report was thus admissible in evidence without formal proof, sub-section (2) preserving the power of the Special Court to summon and examine the person by whom it was made an authority which exists to be invoked. The record placed before us does not disclose that any application for the examination of the Chemical Analyst was made on behalf of the accused at any stage of the trial and came to be declined, nor is it suggested that the reports Ex. D2 and Ex. PY are unreliable upon their face or that the material analysed was other than the material seized. In the absence of any such request and of any such foundation, the contention founded upon Thana Singh case (supra) does not carry the matter any further.

2026 0 INSC 856; 2026 0 Supreme(SC) 931; Lilly Goyal Vs. State of Himachal Pradesh & Anr.; Criminal Appeal No. 3807 of 2026 (Arising out of SLP (Crl.) No. 12581 of 2026); Decided On : 11-08-2026

True, Section 182 if committed is between the offender and the public servant and Section 195 clearly stipulates that, for offences punishable under Sections 172 to 188, no cognizance shall be taken unless the complaint in writing is of the public servant or of some other public servant to whom he is administratively sub-ordinate. There is no complaint filed by any of the officers in the various departments where the allegations were raised by the appellant herein. The Officer in-charge of the Women Police Station is neither the public servant to whom allegedly false and frivolous statements were made nor is the said officer administratively superior to the public servant made mention of in the complaint of the second respondent.

2026 0 INSC 859; 2026 0 Supreme(SC) 934; Taher Vajiyuddin Rangwala & Anr. Vs. The State of Gujarat; Criminal Appeal No. 76 of 2020: 13-08-2026

Admission in the bail application, as relied on by the High Court, is a very difficult premise to accept. In this context, we also have to notice the High Court's presumption that no person who saw his friend drowning would go to a movie or would take the trouble of bringing back empty soda bottles to the shop from where they purchased it. If such a presumption is accepted then it can be presumed that even after a premeditated murder, the accused would not conduct themselves in that manner. The human mind, as has often been held by this Court, is at the same time fickle, manipulative and imaginative and the actions, the result of a deprived or a foolish mindset, especially in the face of adversities, which cannot be predicted. The subsequent conduct on which the High Court found possible the prosecution story of murder rather than of drowning, in this case we are unable to accept. It is the hypothesis of an accidental drowning that looms large from the evidence led at the trial; more plausible than a homicide.

2026 0 INSC 867; 2026 0 Supreme(SC) 943; Vinod Shivakumar Vs. The State Of Maharashtra; Criminal Appeal No. 3874 of 2026 (Arising out of SLP (Criminal) No. 17179 of 2025) Decided On : 14-08-2026

In the case of Madan Mohan Singh v. State of Gujarat & Anr., (2010) 8 SCC 628, the driver of the accused had alleged in his suicide note that the accused had driven him to the extent of committing suicide. Despite such an allegation in the suicide note, this Court found that there was absolutely nothing in the suicide note or the FIR which could be viewed as an offence, much less under Section 306 of the IPC. It was observed as under:

"10. We are convinced that there is absolutely nothing in this suicide note or the FIR which would even distantly be viewed as an offence much less under Section 306 IPC. We could not find anything in the FIR or in the so-called suicide note which could be suggested as abetment to commit suicide. In such matters there must be an allegation that the accused had instigated the deceased to commit suicide or secondly, had engaged with some other person in a conspiracy and lastly, that the accused had in any way aided any act or illegal omission to bring about the suicide.

11. …Even if it is accepted that the accused changed the duty of the driver or that the accused asked him not to take the keys of the car and to keep the keys of the car in the office itself, it does not mean that the accused intended or knew that the driver should commit suicide because of this.

12. In order to bring out an offence under Section 306 IPC specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. The intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for this particular offence under Section 306, IPC...”

Recently in the case of Abhinav Mohan Delkar v. State of Maharashtra & Ors., (2026) 6 SCC 233 this Court has interpreted Sections 306 and 107 IPC together and observed:

“25. …even if there is allegation of constant harassment, continued over a long period; <u>to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one’s life.</u> Figuratively, ‘the straw that broke the camel’s back’; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. <u>Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.</u>

26. The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. <u>What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test.</u> Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case

from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306."
20. In Amalendu Pal v. State of West Bengal, (2010) 1 SCC 707, also it was observed that:
"12. …Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable."
We further find that the prosecution has failed to prima facie establish that the Appellant had any intention to instigate, aid or abet the deceased to commit suicide. The suicide notes undoubtedly reflect the anguish of the deceased, however, they do not disclose any act on the part of the Appellant from which the requisite mens rea can reasonably be inferred. There is also no material to suggest that the Appellant, by his words or conduct, intended to push the deceased into such a position that she was left with no reasonable alternative except to take her own life. No doubt, a young Range Forest Officer lost her life in an unfortunate incident. However, criminal liability under Section 306 IPC cannot rest upon the tragedy of the outcome alone; it must be founded upon the statutory ingredients of Section 306, which are absent in the present case.

2026 0 INSC 884; 2026 0 Supreme(SC) 964; Kiran Deshmukh Vs. The State of Madhya Pradesh And Ors.; Criminal Appeal No(s). 3933-3934 of 2026 (Arising out of SLP (Crl.) No (s). 18722-18773 of 2025); 11-08-2026
The absence of any intervening act assumes significance in determining whether the alleged conduct of the accused-respondents continued to operate as a proximate cause of the suicide. The fact that the deceased-Ravindra ultimately took his own life, by itself, cannot retrospectively convert every prior act of harassment or coercion into an act of abetment. In the absence of material disclosing any continuing course of conduct, fresh demand, threat, instigation or intentional attempt to harass the deceased-Ravindra in close proximity to the occurrence, the requisite mens rea and the causal nexus necessary to constitute abetment of suicide cannot be inferred merely from the antecedent allegations.
The suicide note refers to payment of large sums of money by the deceased-Ravindra to different accused persons on different dates under the threat of false implication. The allegations prima facie appear to be fanciful and conjectural rather than having any pith or substance in them. Surprisingly, the investigating agency made no effort whatsoever to confirm or verify the foundational truth of these allegations and even did

not care to ascertain whether the deceased-Ravindra had the capability to pay the huge sums of money referred to in the suicide note.
We are of the view that the allegations contained in the suicide note, even if accepted in their entirety, are vague, omnibus and conspicuously devoid of any material particulars. The note fails to attribute any specific act, or omission to the accused-respondents which could amount to instigation, aid or intentional assistance in the commission of suicide. Significantly, the allegations do not disclose any proximate or discernible nexus between the conduct attributed to the accused-respondents and the deceased-Ravindra taking the extreme step. Tested against these surrounding circumstances, the allegations are not only bereft of the foundational facts necessary to sustain the charge of abetment of suicide, but also appear inherently improbable. In such circumstances, a mere reference to the names of the accused-respondents in the suicide note, without anything further to substantiate the allegations, cannot furnish a legally sustainable basis to prima facie attribute the offence of abetment of suicide to them.
The aforesaid circumstances, when considered cumulatively, lead to the conclusion that the material on record, even if accepted at its highest, does not disclose the essential ingredients of the offence punishable under Section 108 of the BNS against the accused-respondents. The High Court, therefore, cannot be said to have committed any error in interfering with the order framing charges and discharging the accused-respondents.

2026 0 INSC 868; 2026 0 Supreme(SC) 944; The State Of Karnataka & Anr.Vs. Prathik Parasrampuria; Criminal Appeal No. . of 2026 (Arising out of SLP (Crl.) No. 3549 of 2016); Decided On : 17-08-2026
Keeping in view the above, i.e., the discussion made above, reference to case laws, the detailed affidavits of the parties, and the submission of the learned amici, this Court issues the following directions:
a. When a seizure of cash or other assets takes place, the authority affecting the seizure, must, within 24 hours, report the same to the District Magistrate/Additional District Magistrate/Court having competent jurisdiction along with written reasons disclosing the prima facie nexus between the cash or other asset seized and the suspected electoral offence.
b. When FIRs are registered, the Investigation Officer (IO) entrusted with the investigation thereof shall make every possible endeavour to complete investigations thereinto, within a year, from the date of registration. If this timeline is exceeded, reasons therefor shall be recorded and communicated to the Election Commission of India;
c. The investigating officer shall submit a quarterly status report regarding the investigation to the EC through the Nodal Officer, after due approval

of the Senior Superintendent of Police/the Deputy Commissioner of Police of the concerned district;

d. When Static Surveillance Teams (SST) during checks find money in excess of Rs. 10 lacs, information about the same shall be forwarded to the income tax authorities.

e. All endeavours ought to be made for expeditious disposal of cases against candidates/sitting MPs/MLAs keeping in view the recurrent nature of elections. For this purpose, it is directed that the High Courts may, by following respective procedures, designate courts for the purposes of prompt hearing and disposal of such cases.

f. For withdrawal of cases against candidates in a particular election cycle, the approval of the concerned High Court is mandatory in view of K.Ajith (supra) and Ashwani Kumar Upadhyay (supra).

g. The affidavit of the EC that details the number of cases pending in connection with the Lok Sabha (2024) and Assembly elections (2019-25), shows quite a large percentage of pendency. The concerned courts should make all efforts to take the cases to the logical conclusion with utmost expedition.

2026 0 INSC 870; 2026 0 Supreme(SC) 946; Union of India Vs. Chidiebere Kingsley Nawchara & Ors.; Criminal Appeal No(s). 3878 of 2026 (@ Special Leave Petition (Crl.) No(s). 14185 of 2025); 17-08-2026

Having considered the entire material placed before us and given our anxious consideration to the suggestions made by all, including the Union of India and the learned amicus curiae, we deem it appropriate to issue the following directions, applicable in cases involving (a) a foreign national; and (b) an accused in a case involving commercial quantity under the NDPS Act:

(i) The passport of the accused foreign national shall be deposited with the jurisdictional Court. Concomitantly, the Court may place a restriction upon the accused’s ability to travel outside the country without its prior permission;

(ii) The accused so released on bail shall register within one week of release with the Foreigners Regional Registration Office (FRRO) and inform, in writing to the investigating officer as also the concerned Court of having made such registration;

(iii) The FRRO, in consultation with the relevant departments of the Government, shall cause to be made and implemented a portal for the purpose of direction no.(ii);

(iv) An accused foreign national shall mandatorily produce two sureties of like amount to secure bail. If the concerned Court is of the considered view, upon it being so demonstrated to them, that despite sufficient effort

it has become difficult/impossible to secure two sureties, the concerned Court may relax this condition by way of a written order recording reasons;
(v) The process of verification of sureties shall, in all cases, be done within 3 days, and the verification report be placed before the Trial Court prior to the release of the accused. If this timeline is not followed, the reasons therefor be recorded and brought to the notice of the concerned Court;
(vi) Even if the residential address of the accused and, other contact information etc., within India was verified during the course of investigation, the same shall be re-verified, physically, within three days of the order of granting bail but prior to the completion of the process of the accused being released on bail;
(vii) The accused foreign national shall file before the concerned Court, an affidavit indicating their source of income/funds within India and also give details of all bank accounts, if any, in the country;
(viii) The concerned Investigating Officer shall, through written communication, inform the Embassy of the country of origin of the accused of their involvement in the alleged crime;
(ix) The Ministry of Law and Justice along with the National Informatics Centre shall create a centralised database wherein all particulars of each individual, both accused and as well as those who stand as a surety for foreign nationals accused in NDPS cases, shall be entered;
(x) When sureties, purportedly verified, are later discovered to be fake, all officials concerned (Police, Court officials and Revenue officials) with the verification process shall face a departmental inquiry for dereliction of duty. The Ministry of Home Affairs, Government of India, and its counterparts in the States shall issue necessary guidelines for the departments concerned to proceed against erring officials;
(xi) When a person stands as surety in favour of a foreign national accused, a lien/charge equal to the amount of the surety bond be created on their property in any form, including immovable property. In case of violation of the condition imposed, the concerned Court may, in the attending facts and circumstances of each case, direct the realization of such lien.
(xii) All High Courts through their respective IT Committees shall take steps to implement the creation of a digital portal through which speedy verification and authentication of documents such as property and finance can be carried out. The High Court of Karnataka, as already observed supra, has taken steps in this regard. Perhaps they’re worth emulating.
(xiii) An additional form to be numbered as Form-47A, as reproduced in the preceding section (para 28.26) to be inserted after Form 47 of BNSS 2023.

THE PROFESSIONAL BAIL BONDSPERSON (REGULATION) RULES, 2026

2026 0 INSC 880; 2026 0 Supreme(SC) 956; Gopi @ Sahaya Puruna Vs. The State, Rep. By The Inspector Of Police; Criminal Appeal Nos. 3884-3885 of 2026 (@ Special Leave Petition (Crl.) Nos. 15334-15335 OF 2026) (@ Special Leave Petition (Crl.) Diary No. 50265 Of 2025): 18-08-2026

It is thus settled that in the absence of an appeal preferred by the State or the victim or the Complainant seeking enhancement of the sentence, the appellate court cannot enhance the sentence of the convict on its own so as to leave the convict in a position worse off than he was prior to filing of the appeal.

https://indiankanoon.org/doc/123875938/; Manisha Singh vs The State Of Telangana on 5 August, 2026; CRIMINAL PETITION No.1226 OF 2023;

Section 336 IPC contemplates criminal liability only where a person does any act so rashly or negligently as to endanger human life or the personal safety of others. It is well settled that every negligent act does not amount to a criminal offence. Criminal negligence is qualitatively different from civil negligence. To attract penal consequences, the negligence complained of must be gross, culpable, or of such a high degree as to exhibit utter disregard for the life and safety of others. Mere inadvertence, an error of judgment, or a lapse in the exercise of due care cannot, by themselves, constitute an offence under Section 336 IPC.

In Jacob Mathew v. State of Punjab, (2005) 6 SCC 1, the Hon'ble Supreme Court authoritatively held that before criminal liability can be fastened upon a medical professional, the negligence alleged must be gross or of a very high degree. The Court drew a clear distinction between civil and criminal negligence and observed that for criminal prosecution, the degree of negligence should be so gross as to amount to recklessness. The Court further held that, before initiating criminal proceedings against a medical professional, the investigating agency should ordinarily obtain an independent and competent medical opinion applying the principles enunciated in Bolam v. Friern Hospital Management Committee, (1957) 1 WLR 582, popularly known as the "Bolam Test." The Supreme Court cautioned that indiscriminate criminal prosecution of medical professionals would have a serious adverse impact upon the discharge of their professional duties and would ultimately be detrimental to public interest.

13. The principles laid down in Jacob Mathew were subsequently reaffirmed in Kusum Sharma v. Batra Hospital & Medical Research Centre, (2010) 3 SCC 480, wherein the Hon'ble Supreme Court reiterated

that negligence cannot be attributed merely because another doctor would have adopted a different course of treatment or because the treatment ultimately proved unsuccessful. The Court held that a mere error of judgment or a difference in professional opinion cannot constitute actionable negligence, much less criminal negligence. Likewise, in Arun Kumar Manglik v. Chirayu Health and Medicare (P) Ltd., (2019) 7 SCC 401, the Hon'ble Supreme Court reiterated that medical negligence must be assessed on the touchstone of whether the medical professional exercised the degree of skill, care, and competence expected of an ordinarily competent practitioner in the particular field. An adverse medical outcome, by itself, is not proof of negligence.

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It is trite that criminal liability is personal in nature. Unless the statute specifically creates vicarious liability, no person can be prosecuted merely because he occupies a managerial or supervisory position. In the absence of specific allegations demonstrating individual involvement, knowledge, or culpable conduct, criminal proceedings cannot be permitted to continue merely on the basis of designation or administrative responsibility.

https://indiankanoon.org/doc/98321555/; APHC010424232019; Munipalli Jakaraiah vs The State Of Andhra Pradesh; CRIMINAL REVISION CASE NO:1301 of 2019 Date: 05.08.2026;

The right to a speedy trial is a fundamental right guaranteed under Article 21 of the Constitution of India. The expression "speedy trial" includes not only the stages of investigation and trial but also the expeditious disposal of appeals and revisions. Therefore, the prolonged pendency of these Criminal Revision Cases for nearly fifteen years is a relevant mitigating circumstance while considering the quantum of sentence. The law on this aspect has been authoritatively laid down by the Hon'ble Supreme Court in Hussainara Khatoon (IV) v. Home Secretary State of Bihar4. This right includes speedy disposal of appeals. In addition to the appeals, the right to a speedy trial also includes criminal revisions as per the decision of the Hon'ble Apex Court in Rajdeo Sharma v. State of Bihar

We may, however, indicate some cases of this kind which would in our opinion justify the High Court in interfering with a finding of acquittal in revision. These cases may be:

where the trial court has no jurisdiction to try the case but has still acquitted the accused, or where the trial court has wrongly shut out evidence which the prosecution wished to produce. or where the appeal court has wrongly held evidence which was admitted by the trial court to be inadmissible, or where material evidence has been overlooked either by the trial court or by the appeal court, or where the acquittal is based on a compounding of the offence, which is invalid under the law. These and other cases of similar nature can properly be held to be cases of exceptional nature, where the High Court can justifiably interfere with an order of acquittal; an in such a case it is obvious that it cannot be said that the High Court was doing indirectly what it could not do directly in view of the provisions of S. 439 (4). We have, therefore, to see whether the order of the High Court setting aside the order of acquittal in this case can be upheld on these principles."

https://indiankanoon.org/doc/44793493/; APHC010165282020; Devarapu Venkateswarlu @ Iskapalli ... vs The State Of Ap on 5 August, 2026; CRIMINAL REVISION CASE NO: 314/2020

The Hon'ble Apex Court in Sethuraman v. Rajamanickam2, Bhaskar Industries Ltd. v. Bhiwani Denim & Apparels Ltd.3, Girish Kumar Suneja v. CBI4, Amar Nath v. State of Haryana5, held that receiving of documents, summoning of the witnesses are all interlocutory in nature and against which no revision case is maintainable.

https://indiankanoon.org/doc/4612955/; Konduri Naga Lakshmi vs The State Of Andhra Pradesh & 3 Others on 6 August, 2026; WRIT PETITION NO: 11834/2026 (DB)

In Pesala Nookaraju (supra), it was held that the power of preventive detention is qualitatively different from punitive detention. The power of preventive detention is a precautionary power exercised in reasonable anticipation. It may or may not relate to an offence. It is not a parallel proceeding. It does not overlap with prosecution even if it relies on certain facts for which prosecution may be launched or may have been launched. An order of preventive detention, may be made before or during prosecution. An order of preventive detention may be made with or without prosecution and in anticipation or after discharge or even acquittal. The pendency of prosecution is no bar to an order of preventive detention. An order of preventive detention is also not a bar to prosecution.

There is no dispute on the above stated legal position, as in Pesala Nookaraju (supra). If there is an order of acquittal or even discharge, the order of preventive detention can be passed, taking into consideration that criminal case, so also it can be passed with or without prosecution and in anticipation, but, the Criminal case under ground No.1 is not a case of discharge or acquittal. It is a case in which the FIR has been quashed. Once the FIR has been quashed, such crime case could not be considered nor made the ground for passing the order of preventive detention.

in Buddiga Dhana Lakshmi v. State of A.P. 6 a Coordinate Bench of this Court set aside the preventive detention order and released the detenu observing that while passing the Order of Preventive Detention, the Detaining Authority has not considered the bail orders passed in favour of the detenu in other criminal cases.

https://indiankanoon.org/doc/69235741/; Dharmender Sharma vs The State Of Telangana on 6 August, 2026; CRLP No.3324 OF 2022

In the present case, neither the FIR nor the charge sheet discloses any specific material from which it can reasonably be inferred that the petitioners had a dishonest intention from the very inception of the transaction. The allegations merely indicate that the advance amount was received and that the proposed sale transaction could not ultimately be completed. The subsequent sale of the property in favour of another purchaser, by itself, cannot retrospectively establish that the petitioners entertained a fraudulent intention on the date on which the booking amount was received.

https://indiankanoon.org/doc/164409225/; Maddi Sammaiah vs The State Of Telangana on 6 August, 2026; CRLP No.12036 OF 2026

Admittedly, the petitioner was arrayed as accused No. 1 in the registered crime. Upon completion of the initial investigation, a charge sheet was filed against him, and during the course of such investigation, he had already been served with a notice under Section 41-A CrPC. In these circumstances, although the learned Magistrate has subsequently directed further investigation, it cannot be presumed that the respondent-police would automatically resort to coercive measures against the petitioner, particularly when a notice under Section 41-A Cr.P.C. had already been issued and served during the earlier investigation.

Having regard to the above facts and circumstances, and considering that the petitioner's apprehension of arrest is founded solely on the order directing further investigation, this Court is of the view that no exceptional circumstances exist warranting the grant of anticipatory bail. Nevertheless, the respondent-police are directed to strictly adhere to the due process of law and to scrupulously follow the principles and guidelines laid down by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, before taking any coercive steps against the petitioner. It is further made clear that, in the event any adverse situation arises in the course of further investigation, the petitioner shall be at liberty to avail such remedies as may be available to him in accordance with law.

https://indiankanoon.org/doc/150304806/; Thippagoni Sumanth Goud vs The Union Of India on 6.8.2026; CRLP No.12132 of 2026

Petitioner-accused No.5 along with accused Nos.1 to 4 have filed separate criminal petitions for grant of bail. The criminal petition filed by the petitioner-accused No.5 vide Crl.P.No.8696 of 2026 for grant of bail, which came to be dismissed by this Court on 30.06.2026 and it is observed in Para No.8 of the order that "As per the notified standards, possession of 100 grams of Alprazolam itself constitutes commercial quantity". In the case, the quantity seized from the house of accused No.3 is 3.390 kgs of Alprazolam.

7. Learned counsel for the petitioner submits that the petitioner-accused No.5 is losing his academic career, counsel has not placed any record with regard to the change of circumstances in the investigation process after dismissal of Crl.P.No.8696 of 2026 dated 30.06.2026.

8. Long incarceration is not the criteria for grant of bail.

https://indiankanoon.org/doc/82581369/; Unknown vs Special Deputy Collector (La) on 7 August, 2026; Crlrc_1683_2015

Admittedly, the prosecution has not preferred the appeal, within the statutory period of limitation. Therefore, assailing the said judgment of acquittal, the defacto complainant filed Criminal Appeal along with the delay condonation petition in Crl.M.P. No.229 of 2014 under Rule 127 of Criminal Rules of Practice. The reasons assigned by the defacto complainant are, he approached the concerned Station House Officer and requested to prefer the appeal as he has good grounds to succeed. But, the Station House Officer, Jami having promised to prefer appeal failed to do so and as such, the delay is occurred.

It is established principle of law that day to day delay need not be explained and at the same time, sufficient cause must be shown by the petitioner and that liberal approach must be adopted while deciding the petition filed seeking condonation of delay as held by the Hon'ble Apex

Court in Pathapati Subba Rao (Died) Lrs Vs Special Deputy Collector (La)1.

https://indiankanoon.org/doc/15952974/; APHC010341312026; Pinninti Rajasekhar Alias Sekhar vs The State Of Andhra Pradesh on 7 August, 2026; CRIMINAL PETITION NO: 5465 OF 2026

In this regard, it is apposite to refer to the judgment of the Hon'ble Apex Court in Zeba Khan v. State of U.P.,1,, wherein, at Paragraph Nos. 47 and 48, it was observed that bail applications are often considered on the basis of prima facie material placed before the Court at different stages of the proceedings. The Court held that non-disclosure of material facts, such as criminal antecedents, prior bail rejections, custody period, and the stage of trial, may result in an erroneous grant or refusal of bail. It was further held that every bail applicant is under an obligation to disclose all material particulars, including criminal antecedents and any coercive processes pending against him, duly supported by an affidavit. Such disclosure is necessary to ensure transparency, uniformity, and integrity in bail adjudication. 2026 SCC Online 188

8. The revised Standing Order No.282(1) of the High Court of the Andhra Pradesh stated in every application for bail presented to the High Court, the Petitioner shall state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information.

2026 0 INSC 887; 2026 0 Supreme(SC) 966; Pramod Kumar Shukla Vs State of Uttar Pradesh And Others; Criminal Appeal No. 3931 of 2026 (Arising out Of S.L.P. (Criminal) No. 12908 of 2025); 19-08-2026

the rejection of an application under Section 156(3) of the Cr.PC, being an order rendered at the threshold without any adjudication on the merits after trial, cannot be accorded such finality as would attract the doctrine of res judicata so as to bar the subsequent registration of an FIR or the continuation of criminal proceedings founded upon the same or substantially similar allegations.

2026 0 INSC 895; 2026 0 Supreme(SC) 971; Ramkrishna Chauhan Vs State Of U.P. & Anr.; Criminal Appeal No. 3969 of 2026 (Arising out of SLP (Criminal) No. 5113 of 2023); Decided On : 20-08-2026

None of these witnesses stated that they were present inside the office when the alleged caste-based abuses were uttered or that they heard any

caste-based words. While they stated that they were present in the school, their statements do not establish that they witnessed or heard the alleged caste-based abuse. Their mere presence in the school premises, therefore, does not establish that the alleged utterance was made within public view. Learned counsel appearing for the respondent-State could not demonstrate anything to the contrary.
We are conscious that, at the stage of cognizance, the Court is not required to conduct a meticulous appreciation of evidence. However, the basic ingredients of the offence must emerge from the material placed before the Court. In the present case, the essential requirement that the alleged caste-based insult or intimidation occurred at a place within public view is not borne out by the material on record.
The finding of the High Court that the incident occurred within public view cannot be sustained on the material placed on record. The requirement of "public view" depends upon whether the alleged utterance was made in circumstances in which members of the public could witness or hear it. The mere fact that the occurrence took place within the premises of a school does not, by itself, satisfy this requirement. In the present case, the FIR and the site plan place the occurrence inside an enclosed room, while the statements of the witnesses do not establish that they were present inside the room or that they heard the alleged caste-based utterances. The material on record, therefore, does not establish that the alleged utterances were made in the presence or hearing of members of the public. The essential requirement of "public view" is consequently not satisfied.

2026 0 INSC 899; 2026 0 Supreme(SC) 974; Ravi Kumar Singh Malhotra Vs State Of Madhya Pradesh; Criminal Appeal No. 937 of 2014; 20-08-2026
The child (PW-28) was only four and a half years of age when the incident occurred and the testimony was recorded 4 years later. Moreover, it is an admitted fact that the child lived with a constable Ramkishore. The said child witness in paragraphs 30 and 61 of his statement had also categorically stated that he was tutored. He had said that the Station House Officer had made him read his statement before going to the Court and had told him that the same statement was to be given before the Magistrate. He had also stated that the appellant had tried to strangulate him with a rope and thrown acid on him. However, the said statement stands falsified by medical evidence.
29. There is no medical or scientific evidence connecting the appellant to the crime. The post-mortem report of the deceased persons was of no assistance since as per the statements of the doctors, PW-1 and PW-20, the bodies were in an advanced stage of decomposition. Therefore, no

definite opinion could be given regarding the cause of death. The chemical examination report of the bloodstained soil was also inconclusive as there was not enough blood for examination and it had decomposed.

30. Furthermore, no forensic link was established between the recovered articles, or the scene of occurrence, and the appellant. Although as per the prosecution case, some clothes and a bottle were recovered from the site of occurrence at the behest of the appellant, there was no evidence led by the prosecution to connect these clothes to the deceased persons or to the appellant.

31. Moreover, the independent witnesses to such confession by the appellant and the subsequent recovery, namely PW-4 and PW-5, turned hostile. They deposed that they had studied only up to the first and second standard, respectively, and had merely put their signatures on the memorandum of arrest, panchnama and recoveries without enquiring the police regarding the contents thereof.

32. The recovery of the clothes, in such circumstances also becomes doubtful considering that such recoveries were made from the place of occurrence 6 months subsequent to the discovery of the bodies of the deceased persons. Further doubt is created when the statement of PW-10, a witness to the recovery memo of articles seized from the house of the deceased, is seen who stated that certain clothes were taken from the house by the police without any writing. PW-11, the subsequent Investigating Officer, has also admitted in cross-examination that the recovered articles did not show any water, mud, or earth residue which is highly doubtful considering the fact that as per the prosecution case these articles were seized from under a rock, 6 feet deep in the ground after being hidden for several months. In light of the above, the possibility of the articles being planted cannot be ruled out.

35. On motive, none of the witnesses deposed regarding any enmity between the appellant and the deceased. In fact, PW-17 deposed that the relations between the deceased and the appellant were amicable. It was stated that they had resolved their issues and decided to live separately, and she was paying her rent herself. Thus, motive is found absent and in any case there is lack thereof for the appellant to have committed such act.

36. Additionally, although as per the case of the prosecution, the appellant, the deceased and the children travelled in a truck and a car, and as per the statement of PW-28, the truck was being driven by a driver. Although a road tax receipt was obtained by the investigating officer, no efforts were made to trace the driver or examine him, who, as per the statement of the child witness, PW-28, was a witness to the killing of the deceased persons. Further, there was failure to trace the said car and its driver. This creates a significant gap in the chain of events.

37. Another circumstance casting a shadow of doubt over the prosecution case is the inordinate and unexplained delay in lodging the FIR. The record reveals that the male child, PW-28, was brought to the police station as early as 26.09.1989, while the bodies of the deceased were recovered over the course of the following two days. It is further the prosecution's own case that PW-28 disclosed the identity of the accused to PW-21 on 29.09.1989. Despite this, the FIR came to be registered only on 01.10.1989. Such unexplained delay in setting the criminal law into motion, particularly when the identity of the accused was purportedly known well before the FIR was recorded, seriously undermines the credibility of the prosecution version and lends credence to the possibility of embellishment in the investigation.

2026 0 INSC 901; 2026 0 Supreme(SC) 976; State of Uttar Pradesh & Anr. Vs. Brij Pal Singh & Anr.; Criminal Appeal No. 2938 of 2025 Decided On : 20-08-2026

One submission of the Union of India was that Section 28 of the Act{PCPNDT Act} only restricted the Court's power to take cognizance and nothing else. But the question that we put to ourselves is what would be the logical conclusion of the investigation carried out by the police? Once it undertakes an investigation, the police have two options available to it. One, is to file a closure report, if it finds that no offence is made out, or two, to file a chargesheet upon the completion of the investigation. A chargesheet obviously is filed before a Court. To what end though? The Court cannot take cognizance thereof due to the mandatory jurisdictional bar under Section 28, and, as such, the effort made by the police would result in being nugatory in the eyes of law. Can such an interpretation be countenanced in law? Certainly not. Regarding Section 28, we may further observe that it also provides for a ‘person’ to make a complaint, with notice to the AA of such complaint and of the intent to make a complaint before the court. So, it provides two methods for a complaint to be made under Section 28 (1) (a) & (b), and in both scenarios the AA is indispensable. Still further, it is provided in the Explanation to Section 28 that a ‘person’, within its meaning, includes a social organisation. The legislature has taken care to explain the meaning of a person as being inclusive of only a social organisation, and in all other scenarios a ‘person’ has to be understood in its general meaning. In other words, it may be that a police official, in his private capacity, can make a complaint to the court or to the AA by following the requisite procedure but the police as an institution have not been covered within the meaning of ‘person’. Given that, outside its ordinary meaning, a person may include entities such as companies or individuals, but however in the Act, only social organisations have been expressly included within its meaning. We, therefore, find force in the submission that the language of Section 28 impacts jurisdiction and is prohibitory.

If it is the attempt of the Union of India, Respondent No. 2, to further the case that the requirement of preliminary inquiries extends only to the scenarios mentioned in para 120.6 quoted above{Lalita Kumari Vs Stata of UP}, we are afraid that it is a misreading thereof. The judges have themselves clarified that the scenarios mentioned therein are non-exhaustive. It is also stated therein that the preliminary inquiry is not to verify the veracity of the information received but to ascertain whether a cognizable offence is revealed; still further, it is stated that which type and in which cases a preliminary enquiry is to be conducted has to be decided in the facts and circumstances of each case. In our view, while it is true that the preliminary inquiry is only limited to analysing the information received for the presence therein, of a cognizable offence, the same cannot be read so restrictively that Section 27 of the Act can be taken to be the whole answer. It would also be within the scope of the preliminary enquiry to ascertain at the outset whether the police have the jurisdiction to conduct an investigation at all or not. It is only after this 'entry hurdle' is crossed would the question come up as to whether the information received discloses a cognizable offence or not. The necessary conclusion, in any scenario, insofar as it involves the offences under this Act, despite Section 27, would be the negative, since there is no power of police investigation to begin with as per the specialized regulatory regime.

In Govt. of T.N. v. Park View Enterprises, (2001) 1 SCC 742, a co-ordinate Bench observed that where there is an irreconcilable conflict between two provisions of the same statute, the later provision shall prevail over the earlier one.

Hence, we cannot allow the words 'cognizable' and 'non-bailable' in Section 27 to water down the laudatory object of the statute, more so in view of the later provision i.e., Section 28.

Accordingly, as a sequel to the conclusions in the principal judgment, the following are to be kept in mind by the AA & Police Authorities while exercising their respective jurisdictions under PC & PNDT Act or Penal Statutes like IPC/ BNS, where the offending transactions may have both the components falling under the PC & PNDT Act and IPC/ BNS or any other statute:

13.1. Where information received by a police station, on its reasonable reading, discloses only a contravention of the PC & PNDT Act or Rules, the police shall make appropriate station/diary entry and transmit the information and accompanying material without avoidable delay to the notified AA. The police shall not commence an independent investigation of the PC & PNDT offence. The AA shall thereafter act under the applicable provisions of the PC & PNDT Act.

13.2. Where the same information also discloses the ingredients of an independently constituted cognizable IPC/BNS offence or offence under another general penal law, the police may register and investigate that distinct offence in accordance with law without touching upon the PC & PNDT component. The PC & PNDT component shall simultaneously be communicated to the AA. The mere fact that the same facts, persons, premises or records overlap shall not authorise police to investigate the PC & PNDT offence itself.
13.3. If, during a lawful investigation of an IPC/BNS offence, material reasonably indicates a possible contravention of the PC & PNDT Act, the investigating officer shall promptly notify the AA and place the relevant information/material before it. The AA shall decide whether and how to invoke its statutory powers. The police may continue their independent IPC/BNS investigation only in respect of the component involving IPC/BNS offences and may assist the AA only when such assistance is sought by the AA.
13.4. If the AA, while acting under the PC & PNDT Act, comes across material disclosing a distinct IPC/BNS offence, it shall promptly communicate the information and relevant material to the jurisdictional police without venturing into that arena. Such communication shall not interrupt or transfer the AA's PC & PNDT investigation. On being communicated, the police shall independently determine the course required by the general criminal law.
13.5. Any police assistance in the PC & PNDT investigation shall ordinarily arise from a specific request from the AA, and shall remain supplemental to the AA-led investigation. The police shall not venture into the domain of the AA unless specifically requested by the AA. The nature and purpose of substantial police assistance should be recorded by the AA in its file and, where appropriate, by the police in the relevant diary as the statutory mandate is not to involve the police in the investigation, as far as possible. Thus, the AA cannot abdicate its functions, which essentially fall upon it, on the pretext of seeking assistance from the police. The statute contemplates only a minimal role for the police in investigations relating to the PC & PNDT Act. It also goes without saying that such assistance rendered by the Police to the AA shall never be converted into independent police investigation into the PC & PNDT case or culminate into the police chargesheet.
13.6. In an IPC/BNS investigation arising from the same medical transaction, the police may seek from the AA inspection findings, statutory forms, registration records, seizure records, technical opinion or other material lawfully available with it. Likewise, the AA may seek lawful forensic, digital, logistical or protective assistance from police without surrendering its statutory decision-making responsibility.

13.7. Neither agency shall assume a power merely because the other offence arises from the same transaction. The controlling question is whether the ingredients of the offence being investigated and the statutory source of investigative power place that subject within the agency's lawful field. Doubt as to a possible PC & PNDT contravention should be resolved by prompt reference to the AA rather than by police assumption of the special investigation, as the AA has been given the exclusive authority under the Act to investigate. The AA, because of the specialised nature of its composition, will be in a better position to ascertain whether such an offence is covered by the PC & PNDT Act.

2026 0 INSC 886; 2026 0 Supreme(SC) 980; Patel Joshnaben Pravin kumar Patel & Ors. Vs. State Of Gujarat & Anr.; Criminal Appeal No(s). 3895 of 2026 SLP (Crl.) No(s). 18705 of 2025; Decided On : 18-08-2026

To sustain an FIR for the purposes of investigation in respect of an offence of abetment of suicide, particularly in cases which are not covered by presumptive provisions of the Evidence Act, 1872, such as Section 113A thereof, it must be indicated, that the person accused of the offence had, prima facie, committed any of those acts which amounts to abetment of a thing.

In our view, lodging an FIR, even if it is false, against a person, per se, does not amount to instigating that person to commit suicide. Besides, here the FIR was lodged by the deceased’s wife who had suffered injuries. Otherwise also, every individual has a right to take recourse to appropriate proceedings under law to protect his or her rights. Therefore, if a person sets the criminal justice delivery system in motion, he cannot be held liable for abetment to commit suicide, if the person against whom proceedings were initiated commits suicide.

While assessing whether a prima facie case of abetment to commit suicide is made out or not, the court must not merely consider the allegations in the suicide note but also the surrounding facts of the case. Merely because a dejected husband, or lover, out of frustration, ends his life and puts the blame on the accused, in his suicide note, is not enough to conclude that a prima facie case is made out against those who are blamed. The court would have to consider whether the conduct of the accused complained of in ordinary circumstances would have driven an ordinary person, not an over sensitive person, to take that drastic step to end his life.

In matrimonial relationship, often differences arise between husband and wife where they tend to blame each other and institute proceedings against each other. Initiation of such proceedings cannot by itself be taken as an act of instigation to commit suicide. Because, ultimately, it is for the courts to decide whether those proceedings are bona fide or mala fide.

Be that as it may, we are not here to speculate upon the reasons as to why the deceased committed suicide. What is important here is that the FIR as well as the materials placed on record including the suicide note do not disclose the necessary ingredients to constitute an abetment so as to make out a prima facie case of abetment of suicide against the appellants.

https://indiankanoon.org/doc/128031886/; APHC010229162026; CRIMINAL PETITION NO.2247 OF 2026; 10.08.2026; The State Of Andhra Pradesh Vs. Pinnelli Rama Krishna Reddy.

Accordingly, he prayed the Court to direct production of the call data records and tower location particulars of the police officials, ranging from the Superintendent of Police to the Police Constable, and of the defacto-complainant, for the period 24.05.2025 to 26.05.2025. In short, the respondent/Accused No.6 sought a direction to the Service Providers to (I) provide the call data records and tower location of the said persons, and (II) produce the same before the Magistrate Court.

Relying on Suresh Kumar (referred to supra), the learned Single Judge held that there is no embargo to the production of CDRs/location charts before the court at an appropriate stage while taking necessary precautions regarding the safety and privacy of the members of the raiding team and the police informers and that if the data sought were not preserved, there is likelihood that the same may get lost and may not be available to the petitioner in support of his defence. The learned Single Judge accordingly held that dismissing the petition as premature was erroneous and has thus allowed the application with a direction that the CDRs and location charts of the petitioner, the Investigating Officer, the Duty Officer, and the other members of the raiding team be preserved by the respective service providers.

In light of the judgments referred to above, this Court holds that an accused cannot invoke Section 94 or 95 of BNSS, before the commencement of trial, to seek production of a document or thing to establish his defence. A narrow and exceptional class of applications, however confined strictly to preservation of electronic data that is inherently time-bound and liable to be lost through effluxion of time stands on a different footing. Even in such cases, accused must demonstrate the necessity and desirability of preservation and a nexus between the data sought and his defence. It may also be noted that the satisfaction of the Court permitting production or preservation of any document must appear expressly from the order, which must itself disclose reasons and non-compliance with this requirement renders the order bad. It is equally settled that an accused cannot, under the guise of Section 94 BNSS, seek a roving and fishing inquiry and it is only where the accused discloses the nature of the document and its relevance that the Court is required to decide whether production or preservation is necessary or desirable for the just decision of the case

https://indiankanoon.org/doc/48729238/;APHC010007992026;

CRLRC NO: 664/2026 Date: 10.08.2026; N. Sanjeeva Reddy vs Anticorruption Bureau

Indeed, a revision against an interlocutory order is not maintainable as per Section 397(2) of 'the Cr.P.C'. The order impugned is undoubtedly an interim order, as it merely required the Petitioners to participate in the proceedings under Section 457 of 'the Cr.P.C.,' initiated by the Respondent.

https://indiankanoon.org/doc/194009426/; V. Arfath vs N Krishna Reddy; APHC010709872025; CMA NO: 57 OF 2026;

13. The Hon'ble Constitution Bench of Hon'ble Supreme Court of India in Iqbal Singh Marwah & another Vs Meenakshi Marwah and another2, held that "if any agreement, sale deed, Will, Valuable Security etc is out of forgery or forged document, the bar created by Section 195(I)(b)(ii) Cr.P.C would not come into play and there is no embargo on the power of the (2011) 8 SCC 249 (2005) 4 SCC 370 Court to take cognizance of the offence on the basis of the complaint filed by the Respondents".

14. The Hon'ble Supreme Court of India, in State of Punjab Vs Raj Singh and Another 3 , while examine powers of Court and Police, under Section 154 and 195 CrPC, held that "thestatutory power of police to investigate under the Code is not controlled or circumscribed by section 195 Cr.P.C and Section 195 operates at a stage when a Court intends to take cognizance of offence under section 190 (1) Cr.P.C, the Hon'ble Supreme Court accordingly quashed the Order of High Court for quashing F.I.R registered under Sections 419, 420, 467 and 468, I.P.C"

https://indiankanoon.org/doc/40809069/; Boddu Nageswararao vs The State Of Andhra Pradesh; CRLA No.2105 of 2018: 11.08.2026

the version recorded in Ex.P1, lodged immediately after the incident, that the accused had disclosed to P.W.1 that he mixed Monocrotophos poison in the toddy pot, stands substantially corroborated by the scientific evidence contained in Ex.P15, which came into existence more than three months later. The subsequent forensic report confirming the presence of

Monocrotophos lends considerable assurance to the truthfulness of the extra-judicial confession made by the accused before P.W.1. **Merely because P.W.1 also acted as a mediator for the scene observation report, the recovery of M.O.4, and the arrest of the accused, his evidence cannot be discarded on that ground alone.** His testimony also finds substantial corroboration from the independent scientific evidence in the form of Ex.P15. Further, nothing has been elicited in his cross-examination nor has any material been placed on record to indicate that P.W.1 bore any animus against the accused or had any motive whatsoever to falsely implicate him in the present case. Being the person, who first received the information from the accused and immediately set the criminal law into motion by lodging Ex.P1, the evidence of P.W.1 inspires confidence and cannot be brushed aside merely on the ground that he subsequently acted as a mediator during the course of investigation.

it is sine qua non and also profitable to refer to the decision of the Privy Council in Pulukuri Kotayyav. King Emperor [Pulukuri Kotayya v. King Emperor1], which still holds the field even today wherein it was held that the provided information must be directly relevant to the discovered fact, including details about the physical object, its place of origin, and the accused person's awareness of these aspects.

Further, in the case of Dharmendra Kumar v. State of M.P., 2, the Hon'ble Supreme Court of India had categorially noted the brief summed up criteria for admissibility of a disclosure statement within the meaning of Section 27 of the Indian Evidence Act, as under:

"55. The question that requires determination is whether the above stated disclosure statement is admissible in evidence? The issue regarding the **admissibility of a disclosure statement** within the meaning of Section 27 of the Evidence Act was comprehensively addressed by this Court in Pulukuri Kotayya v. King Emperor [Pulukuri Kotayya v. King Emperor, 1946 SCC OnLine PC 47] delineating the following briefly summed up criteria:

(i) There should be a discovery of the fact.

(ii) The discovery of fact should be in consequence of information received from a person accused of an offence.

(iii) The person giving the information should be in the custody of a police officer.

(iv) Only that portion of information which relates distinctly or strictly to the fact discovered can be proved."

29. Further, it is pertinent to refer to the Judgment of Hon'ble Supreme Court of India in the case of Sahadevan v. State of T.N.,3, wherein Hon'ble Supreme Court laid down the principles which would make an extra-

judicial confession is an admissible piece of evidence and pertinent Paragraph 16 is extracted hereunder:-
The principles
16. Upon a proper analysis of the abovereferred judgments of this Court, it will be appropriate to state the principles which would make an extra-judicial confession an admissible piece of evidence capable of forming the basis of (2012) 6 SCC 403 conviction of an accused. These precepts would guide the judicial mind while dealing with the veracity of cases where the prosecution heavily relies upon an **extra-judicial confession** alleged to have been made by the accused:

(i) The extra-judicial confession is a weak evidence by itself. It has to be examined by the court with greater care and caution.
(ii) It should be made voluntarily and should be truthful.
(iii) It should inspire confidence.
(iv) An extra-judicial confession attains greater credibility and evidentiary value if it is supported by a chain of cogent circumstances and is further corroborated by other prosecution evidence.
(v) For an extra-judicial confession to be the basis of conviction, it should not suffer from any material discrepancies and inherent improbabilities.
(vi) Such statement essentially has to be proved like any other fact and in accordance with law.

https://indiankanoon.org/doc/69129773/; Shaik Sikander vs The State Of Telangana; CRLP No.12419 of 2026 DATE: 11.08.2026

In Karan Mehra Vs UOI, the High Court of Judicature for Rajasthan Bench at Jaipur observed at para No.5 as follows:
"5. From first look, the arguments advanced by the petitioner seem to be attractive, as normally the Courts grant bail where recovered quantity of contraband is intermediate quantity and investigation is over, but the respondent has raised several concerns which in this Court's opinion cannot be ignored. The nature of the contraband, the sophisticated methods used for its import, its high value, and the potential links to a larger drug syndicate all weigh heavily against the petitioner's plea for bail. The substance recovered from the petitioner is not just ordinary Ganja. It is Hydroponic Weed, a specialized and highly potent form of cannabis, often cultivated in foreign countries under controlled conditions to significantly increase its THC content (Delta-9- tetrahydrocannabinol (THC), the primary psychoactive compound in cannabis). This makes it far more dangerous and addictive than locally grown variants. The argument that it is "only" Ganja and the specific type doesn't matter for the

purpose of bail is a simplistic view that ignores the gravity of the offence. The high potency of this drug makes it particularly appealing to the youth, creating a grave social problem. This substance, in its concentrated form, poses a direct threat to the mental and physical health of young people, often leading to addiction, mental health issues, and a spiral into criminal activities. The respondent's submission that the value of the recovered contraband is approximately ₹18 crore further highlights the seriousness of this case. This astronomical value, even for a quantity below the commercial threshold, is a powerful indicator of the substance's potency and its significant demand within the illicit market. This fact alone refutes the notion that the offence is a minor one. The value of the consignment prima facie suggests that the petitioner is not a simple user or a small-time peddler but is likely a key component in a larger, well-funded drug trafficking operation. The most concerning aspect of this case is the modus operandi described by the respondents. It is becoming a rather common tactic of organized drug syndicates to import drugs in quantities just below the commercial threshold to deliberately circumvent the strict provisions of Section 37 of the NDPS Act. This is a calculated move to secure easy bail and continue their illegal operations without significant disruption. Granting bail in such a situation would be tantamount to encouraging this very tactic and would render the law's intent to combat large-scale drug trafficking ineffective. It would send a clear message that as long as traffickers keep their consignments below a certain weight, they can operate with relative impunity. The devastating impact of this type of trafficking on the youth of our nation cannot be overstated. Drug syndicates are increasingly targeting highly educated individuals, including university students and young professionals from well-off families. They are lured into these schemes with promises of easy money, all- expenses-paid trips, and luxurious lifestyles. These educated and privileged youth are often seen as less likely to be suspected by law enforcement, making them ideal drug mules. Their naivety and desire for quick wealth are exploited, leading to addiction and a complete ruin of their academic and professional careers. They become not just consumers but cogs in a larger criminal machine, a situation far more worrying than simple drug use. While the petitioner's counsel has emphasized the long period of custody and the completion of the chargesheet, these factors do not automatically entitle the petitioner to bail. The nature of the offence and the likelihood of the accused to abscond or interfere with the investigation, as well as the potential for them to continue their illegal activities, are paramount considerations. Given the high- value contraband and the sophisticated nature of the crime, there is a significant risk that the petitioner could flee or attempt to influence witnesses if released. The duration of custody is not a standalone reason to grant bail when the very act of granting it could undermine the larger fight against drug trafficking. The arguments presented by the respondents regarding the nature and value of the drug, the sophisticated modus operandi, and the potential link to organized crime are compelling and cannot be dismissed. The court must prioritize the public interest and the need to send a strong message against drug trafficking, even when the recovered quantity is technically below the commercial threshold. To grant bail would be to ignore the very essence of the NDPS Act and the evolving challenges posed by modern drug syndicates."

The Supreme Court in the State of Telangana Vs. Somanath Khara @ Mohesh @ Hedu 3 has observed in Para Nos.6 and 7, which reads as under:

"6. In a case under the NDPS Act, **long duration of custody or the completion of investigation** are not sufficient factors for enlarging the accused on bail. The accused persons seeking bail have to overcome the rigors of Section 37 of the Act. The Court in passing the impugned order(s) has not considered the above aspect of the matter(s)."

https://indiankanoon.org/doc/94555009/; CRLP NO: 6692 of 2026 Date: 11.08.2026; APHC010406672026; Bonangi Marku vs The State Of AP

Further the Hon'ble Apex Court in Anarul SK v. State of West Bengal in Crl.A.No.12621 of 2024 dated 19.09.2024 at para No.4 observed that the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue and directed the State to consider as to whether it proposes to file an application for the cancellation of bail granted to the other accused.

The Narcotic Drug and Psychotropic Substances Act, 1985 is a special enactment and was enacted with a view to making stringent provisions for the control and regulation of operation relating to narcotic drugs and psychotropic substances. The under lying object of the Act and the stringent provisions of bail introduced by Act No. 2 of 1989 make it clear that anticipatory bail should not be granted in such cases unless the Court is satisfied that the investigating agency was abusing the provisions of the Act with malafide object to arrest any person. In such cases, the law should be allowed to have its own course.

https://indiankanoon.org/doc/34087422/; APHC010928392018; Kambapati Suresh Babu @ Suresh vs The State Of Andhra Pradesh on 11 August, 2026; CRIMINAL APPEAL NO: 3160/2018

Learned counsel for the appellant contends that in Ex.P.1 report, the name of village talari is recorded as K.Venkateswarlu, whereas the chief-examination of P.W.4 and Ex.P.2-inquest report refers to him as K.Venkata Ramana who was the first person to witness the incident. The submission of learned counsel that Venkata Ramana and Venkateswarulu are two different individuals, holds no weight. Furthermore, his specific employment has no KSR,J & JS,J bearing on the incident itself and further, the said discrepancy was not brought during the cross-examination and therefore, it does not assist the appellant's case.

https://indiankanoon.org/doc/174894377/; APHC010371882026; Jitendra Singh vs Union Of India; CRLP NO: 6023 of 2026: 11.08.2026

15. The Hon'ble Apex Court in State of Kerala v. Rajesh5, at Paragraph Nos.8, 19, 20 and 21, held that bail under 'the NDPS Act' can be granted only upon strict compliance with the mandatory conditions prescribed under Section 37. The Court further observed that "reasonable grounds" require substantial material showing that the accused is not guilty, and recording such a finding is a sine qua non for grant of bail. MANU/SC/0820/2024 2026 LiveLaw (SC) 421 (2020) 12 SCC 122 Dr.YLR,J Dated 11.08.2026

16. In Union of India v. Ram Samujh6, the Hon'ble Supreme Court at Paragraph No.7 observed that narcotic offences have a grave and far-reaching impact on society, destroying numerous lives. The Court further held that drug traffickers pose a continuing threat to society and, therefore, the statutory restrictions must be strictly enforced.

17. In Durand Didier v. State (UT of Goa)7, the Hon'ble Apex Court at Paragraph No.24, observed that illicit trafficking of narcotic drugs has become a serious social menace, particularly affecting the youth. The Court further noted that, in view of its devastating impact on society, Parliament enacted stringent provisions under 'the NDPS Act' to effectively combat the menace.

18. The Hon'ble Apex Court in State of Meghalaya v. Lalrintluanga Sailo8, at paragraph No.7, while referring to the decision of the Hon'ble Apex Court in Rajesh, supra, dismissed the bail application. Even though the petitioner was suffering from immune deficiency syndrome, the Hon'ble Apex Court dismissed the bail application. In the instant case, there are no procedural violations either at the time of arrest of the petitioner or seizure of the contraband. The charge sheet was filed within 180 days, as mentioned supra. The accusation is well founded against the petitioner.

https://indiankanoon.org/doc/133781123/; WRIT PETITION NO:18238 of 2026 Date: 11.08.2026; APHC010338992026; Kucharlapati Sasanka Varma vs The State Of Andhra Pradesh

The Bharatiya Nagarik Suraksha Sanhita 2023 (erstwhile Code of Criminal Procedure, 1973) provides a 2026 SCC OnLine SC 798 structured sequential mechanism for initiating criminal prosecution. The statutory framework contemplates that information relating to the commission of a cognizable offence is first placed before the officer-in-charge of the police station and an FIR is registered under Section 173(1) BNSS. In the event of refusal to register the FIR, recourse lies before the jurisdictional Superintendent of Police under Section 173(4) BNSS and, thereafter, before the Magistrate, under Section 175(3) BNSS.

https://indiankanoon.org/doc/148879777/; APHC010378352026; CRLP NO. 6140 OF 2026; Pandi Naga Yugendhar Babu @ Yogi vs State Of Andhra Pradesh on 11 August, 2026

5. As seen from the record, the petitioners are arrayed as Accused Nos. 3 and 4. The petitioners allegedly have indulged in dealing with 23 kgs. of Ganja. The seized Ganja is of commercial quantity; however, it is not a colossal quantity. The petitioners were arrested on 09.02.2026 and have been in judicial custody for the past 182 days. Accused No. 3 has one similar adverse antecedent and two cases registered under the IPC, while Accused No. 4 has two cases registered under the IPC. So far, 6 witnesses have been examined. Accused No. 1 has already been enlarged on bail by this Court vide Crl.P.No.5035 of 2026, dated 03.07.2026. Therefore, the possibility of the petitioners threatening the official witnesses, tampering with the evidence, or hampering the investigation may not arise. The petitioners are permanent residents of Gudivada Mandal, Krishna District, and they have a fixed abode.

6. The learned Assistant Public Prosecutor submits that an application was filed on 27.07.2026 seeking extention of the remand of the petitioner beyond 180 days. But the case has been adjourned from time to time because of the leave of the presiding officer concerned.

7. No doubt, the petitioners have not mentioned in their petition about their earlier antecedents.

8. In this regard, it is apposite to refer to the judgment of the Hon'ble Apex Court in Zeba Khan v. State of U.P.,\ wherein, at Paragraph Nos. 47 and 48, it was observed that bail applications are often considered on the basis

of prima facie material placed before the Court at different stages of the proceedings. The Court held that non-disclosure of material facts, such as criminal antecedents, prior bail rejections, custody period, and the stage of trial, may result in an erroneous grant or refu sal of bail. It was further held that every bail applicant is under an obligation to disclose all material particulars. including criminal antecedents and any coercive processes pending against him, duly supported by an affidavit. Such disclosure is necessary to ensure transparency, uniformity, and integrity in bail adjudication.

9. The revised Standing Order No.282(1) of the High Court of the Andhra Pradesh lays down that in every application for bail presented to the High Court, the Petitioner shall state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information.

10. Be that as it may, the petitioners have been in judicial custody beyond the statutory period. (Considering the facts and circumstances of the case, the nature and gravity of the allegations levelled against the petitioners/Accused Nos. 3 and 4, and the period of their incarceration in judicial custody, this Court is inclined to enlarge the petitioners/Accused Nos. 3 and 4 on bail

{The Apex Court guidelines in Zeba Khan case, the revised Standing Order No.282(1) of the High Court of the Andhra Pradesh were given a go-by, giving an impression that they are not MANDATORY. The fate of the pending 36A(4) Petition is not discussed. Sec 37 of NDPS Act too not discussed}

https://indiankanoon.org/doc/4583387/; APHC010407862026; Anthony Pandi Selvi vs The State Of AP; CRLP NO: 6703 of 2026 Date: 11.08.2026

As seen from the record, the petitioner is arrayed as Accused No.3. The petitioner is a female aged about 35 years and has two minor children. The petitioner is a permanent resident of Tamil Nadu State. She has got fixed abode. There are no similar adverse antecedents reported against the petitioner. The allegation against the petitioner is that she was found in possession and transportation of 8.140 Kgs. of ganja. The petitioner was arrested on 21.05.2026. She has been in judicial custody for the past 82 days. There are two other accused. Accused No.1 was found in possession of 8.330 Kgs. of ganja and Accused No.2 was found in possession of 8.480 Kgs. of ganja. Thus, in total, the contraband seized from the possession of the accused is 24.950 Kgs. of ganja, which is a commercial quantity. Section 29 of 'the NDPS Act' would squarely apply to the facts and circumstances of the case. The petitioner and the other accused have shared a common intention in the transportation of a commercial quantity of ganja. So far, only ten witnesses have been examined. The material portion of the investigation is also not completed.

https://indiankanoon.org/doc/147299661/; Girish Patel @ Girish Kumar Dahyabhai ... vs State Of Telangana on 11 August, 2026; CRIMINAL PETITION No.12545 OF 2026

The gravamen of the allegation against the petitioner is that he is associated with the seeds company from which spurious seeds were allegedly supplied for sale to innocent farmers. Except for the offence under Section 316(5) of the BNS, the other alleged offences are punishable with imprisonment for a term of less than seven years. Having regard to the purport and scope of Section 316(5) of the BNS and the nature of the allegations levelled against the petitioner, coupled with his categorical undertaking to appear before the Investigating Officer, participate in the investigation, and extend full cooperation thereto, this Court is of the considered view that, notwithstanding the invocation of Section 316(5) of the BNS, it would be appropriate, while keeping all issues and liberties open to the Investigating Agency, to direct the Investigating Agency to issue a notice to the petitioner under Section 35(3) of the BNSS and proceed with the investigation in accordance with law. It is made clear that the observations made herein are confined to the consideration of the present petition and shall not be construed as an expression of opinion on the merits of the case.

{35(3) BNSS notice directed to be served for the offence u/s. 316(5) BNS which is punishable with Imprisonment for life or imprisonment for 10 years and fine}

https://indiankanoon.org/doc/145275989/; Namburi Sreedhar vs The State Of Telangana on 12 August, 2026; CRLP No.7243 of 2026

Insofar as the other contention raised by the learned Senior Counsel that Section 5 of the TPDFE Act are not attracted on the ground that the amount invested by respondent No.2 and his company not comes within the meaning of deposit, is not tenable under law, on the ground that there are specific allegations in the complaint that the petitioner and other accused induced respondent No.2 and other investors to invest money on a profit-sharing business in the garment business by promising high returns. After obtaining the investments, the petitioner and other accused

dishonestly misappropriated the funds by diverting to their firms as well as their personal bank accounts.
It is already stated supra that there are specific allegations levelled in the complaint that the petitioner, along with accused Nos.1 and 2, with a dishonest intention and in furtherance of a criminal conspiracy, created, forged and fabricated work orders, induced respondent No.2 to invest money on a profit-sharing business in the garment business by promising high returns and used the forged (2022) 2 SCC 129 documents to gain his confidence. After obtaining the investments, the petitioner and other accused dishonestly misappropriated the funds by diverting to their firms as well as their personal bank accounts, thereby causing wrongful loss to respondent No.2 and his company to a tune of Rs.73 Crores and according to prosecution other 40 victims were also suffered in the hands of the petitioner and other accused and approximately more than Rs.100 Crores was misappropriated. The allegations levelled in the complaint prima facie disclose cognizable offences, and as the investigation is still in progress. Hence, this Court is of the considered view that the petitioner is not entitled to seek quashing of the proceedings at this stage and this case does not fall under rarest of the rare case to exercise the powers conferred under Section 528 of the BNSS.

https://indiankanoon.org/doc/10581885/; Peyyala Kumar vs State Of Telangana on 12 August, 2026; CRLP No. 11239 of 2026

Insofar as the alternative submission made by the learned counsel for the petitioners that, in the event this Court is not inclined to quash Crime No.21 of 2026, the petitioners will cooperate with the investigation and that this Court may direct the Investigating Officer not to take any coercive steps against the petitioners is concerned, the Hon'ble Supreme Court in Neeharika Infrastructure Pvt. Ltd. supra and Sanjay Kumar Gupta v. State of U.P. 5, held that the Court cannot grant a blanket order of "no coercive steps" or "not to arrest", as such protection is in the nature of anticipatory bail, which must be sought before the competent Court under Section 482 of the BNSS/438 Cr.P.C., and granting such relief while refusing to quash the F.I.R. is wholly impermissible. The record discloses that the petitioners along with the other accused had approached this Court and filed Criminal Petition No.6812 of 2026 seeking anticipatory bail and this Court dismissed the said anticipatory bail petition insofar as the petitioners herein and granted anticipatory bail in respect of the other accused i.e. accused Nos.5 to 9, considering the fact that they are women, by its order, dated 06.05.2026.

https://indiankanoon.org/doc/164562265/; Nellikonda Sudheer Kumar vs State Of Telangana on 12 August, 2026; CRLP No. 9141 OF 2024

Learned counsel for the petitioners, placing reliance upon Achin Guptha v. State of Haryana and another, (2025) 3 SCC 756, submits that the Hon'ble Supreme Court has held that criminal proceedings against relatives of the husband cannot be sustained merely on the basis of general and omnibus allegations, in the absence of specific overt acts attributable to them. Reliance is also placed upon Geddam Jhansi and another v. State of Telangana, 2025 SCC OnLine SC 263, and Dara Lakshmi Narayana & others v. State of Telangana and another, 2024 INSC 953, wherein the Hon'ble Supreme Court reiterated that mere relationship with the husband is not sufficient to prosecute family members for an offence under Section 498-A of the IPC and that vague and omnibus allegations, without specific attribution, are insufficient to sustain such proceedings.

The legal position in this regard is well NTR,J settled. In Achin Gupta (supra), the Hon'ble Supreme Court held that relatives of the husband cannot be prosecuted merely on account of their relationship with him and that vague and omnibus allegations, without specific attribution of acts, are insufficient to sustain criminal proceedings. The same principle has been reiterated in Geddam Jhansi and Dara Lakshmi Narayana (supra), wherein it has been held that continuation of criminal proceedings against relatives, who are residing separately, in the absence of specific allegations indicating their active role in the alleged offences, would amount to an abuse of the process of law.

https://indiankanoon.org/doc/138398499/; APHC010362962026; Seri Amarender Reddy vs The Directorate Of Revenue Intelligence on 12 August, 2026; CRIMINAL PETITION NO: 5834/2026

Furthermore, the legal position governing the grant of bail in offences involving commercial quantity under 'the NDPS Act.,' is no longer res integra. The Hon'ble Supreme Court, inRajeshsupraand Mohit Aggarwalsupra, has unequivocally expounded that considerations such as filing of the charge sheet, length of incarceration, or absence of recovery from the personal possession of the accused do not, by themselves, dilute the rigours of Section 37 of 'the NDPS Act.' The twin statutory conditions engrafted therein are mandatory in character and must be scrupulously satisfied before the extraordinary discretion of bail can be exercised. In the case at hand, the material collected during investigation discloses substantial and credible grounds giving rise to a strong prima facie belief regarding the complicity of the Petitioner/Accused

No.8 in the alleged offence. The contention that the Petitioner was merely a peripheral or incidental participant stands considerably weakened in light of the specific allegation attributing to him a financial investment of Rs.2,00,000/- in the illicit operation, coupled with his presence within the manufacturing precincts of M/s Averx Drugs Pvt. Ltd. at the time of seizure of an enormous commercial quantity of Alprazolam. Such incriminating circumstances, viewed in their cumulative effect, cannot be characterised as innocuous or fortuitous, but rather prima facie evince conscious involvement and active participation in the criminal conspiracy allegedly orchestrated for the unlawful manufacture and possession of psychotropic substances.

Equally, though this Court is not oblivious to the personal hardships canvassed on behalf of the Petitioner, including his asserted status as the sole breadwinner of the family, such equitable considerations, however compelling from a humanitarian standpoint, cannot be permitted to eclipse the legislative mandate embodied in Section 37 of 'the NDPS Act.' The Hon'ble Apex Court in Ajay Kumar Singhsupraand Mohd. Nawaz Khansupra, has consistently underscored that offences involving commercial quantities of narcotic drugs and psychotropic substances constitute a distinct class of crimes having far- reaching and deleterious consequences on public health, social order, and the collective welfare of society, thereby warranting a restrictive approach in matters of bail. In the present case, the Petitioner has failed to discharge the onerous burden cast upon him to demonstrate the existence of reasonable grounds for believing that he is not guilty of the alleged offence, nor has he succeeded in satisfying this Court that, if enlarged on bail, he would abstain from engaging in similar unlawful activities. Consequently, this Court finds itself unable to record the requisite satisfaction contemplated under Section 37 of 'the NDPS Act.'

https://indiankanoon.org/doc/60516295/; Prayakarao Madhusudhan vs The State Of Telangana on 12.08.2026; Crl.R.C.No.791 OF 2026

Learned trial Court ought to have appointed an amicus curiae or legal aid counsel on behalf of the petitioner-accused. Instead of doing so, the trial Court has dismissed the appeal for default. The only recourse to the learned Sessions Judge is to appoint an amicus curiae or legal aid counsel so that the appeal can be heard on merits. The order suffers from illegality and the same is liable to be set aside.

https://indiankanoon.org/doc/144797116/; Banoth Raja vs The State Of Telangana And 7 Others on 13 August, 2026; CRLP No.9935 OF 2022

Thus, the filing of a protest petition, before the learned Magistrate in a Sessions case is legally permissible prior to committal of the case. Once the matter has been committed to the Sessions Division, an application of such nature may be filed before the Principal Sessions Court or before the Court to which the case has been made over. In the present case, since the protest petition was filed prior to committal, the learned Magistrate was justified in entertaining the petition, and the exercise of such jurisdiction is legally sustainable.

Once a protest petition is filed, while taking cognizance under Section 190 of the CrPC, the learned Magistrate is not bound by the opinion formed by the Investigating Officer. The Magistrate may, upon an independent application of mind to the materials accompanying the police report, take cognizance of an offence even against a person who has been omitted from the charge- sheet. At the same time, the order taking cognizance must disclose due application of mind and indicate the reasons that persuaded the Court to differ from or depart from the conclusion arrived at by the Investigating Officer. The exercise of such jurisdiction must strictly conform to the procedure contemplated under the Code. In this context, it is pertinent to note that, the Constitution Bench of the Hon'ble Supreme Court in Dharam Pal v. State of Haryana, (2014) 3 SCC 306, categorically held that the learned Magistrate is competent to summon a person who has not been charge sheeted if the materials accompanying the police report disclose sufficient grounds for proceeding against such person.

The contention that the learned Magistrate illegally relied upon statements recorded under Section 164 of the CrPC after submission of the charge-sheet also does not merit acceptance. Even assuming that such statements were taken into consideration, the statements recorded under Section 161 of the Cr.P.C., coupled with the complaint and other materials collected during the investigation, prima facie disclose the petitioner's involvement in the alleged offences. Therefore, the order taking cognizance cannot be said to be founded solely upon the statements recorded under Section 164 of the Cr.P.C. The petitioner will have ample opportunity during the course of trial to challenge the admissibility, evidentiary value and reliability of such statements in accordance with law.

15. The further contention that the petitioner ought to have been afforded an opportunity of hearing before issuance of summons is also devoid of merit. At the stage of taking cognizance of the offence and issuance of

process, the proposed accused has no vested right to be heard. The CrPC does not contemplate issuance of notice to the proposed accused before the Court takes cognizance of an offence and issues process. The petitioner will have full opportunity to defend himself before the trial Court in accordance with law.

https://indiankanoon.org/doc/10751498/; Mr. Vikas Dhingra vs The State Of Telangana on 14 August, 2026; CRLP No.12638 OF 2026

8. The gravamen of the allegation against the petitioner is that he participated in the alleged cybercrime against the de facto complainant, who was subjected to pressure and coercion under the guise of a purported "Digital Arrest". It is alleged that, by impersonation, the accused in the crime induced and coerced the de facto complainant to part with substantial amounts of money and that forged, fabricated and fraudulent documents were used in the offence. The prosecution further alleges that the proceeds of the crime were routed through the bank account of A-2 and that the petitioner facilitated the movement and layering of the amounts so obtained.

9. Thus, the allegations extend beyond the mere receipt of money in a particular bank account and prima facie disclose a coordinated course of conduct involving impersonation, coercion, use of forged or fabricated documents, electronic/banking transactions, and subsequent movement or layering of the alleged proceeds. The precise role of the petitioner, the manner of utilisation of the bank accounts, the identity and involvement of other persons, and the ultimate destination of the alleged proceeds remain matters for investigation.

10. It is well settled that anticipatory bail is intended to safeguard personal liberty, but the power is discretionary and must be exercised judiciously having regard to the nature and gravity of the accusation, the specific role attributed to the applicant, the possibility of absconding, repetition of the offence, influencing witnesses or tampering with evidence, and the effect of pre-arrest protection on a fair and effective investigation. In P. Chidambaram v. Directorate of Enforcement, (2019) 9 SCC 24, the Supreme Court held that the power under Section 438 Cr.P.C. is an extraordinary remedy requiring due circumspection, particularly having regard to the nature and gravity of the allegations and the stage and requirements of investigation.

11. In the present case, the allegations concern a cybercrime allegedly perpetrated through impersonation and coercion, coupled with the routing and layering of substantial amounts through different bank accounts. The existence of documentary or electronic evidence does not, by itself, obviate the need for custodial interrogation where such interrogation is required to confront the petitioner with the material collected, ascertain the

source and destination of the funds, identify other persons involved, and unravel the modus operandi of the alleged offence.
12. Having regard to the nature and gravity of the allegations, the substantial amount allegedly involved, the use of multiple bank accounts for movement and layering of the alleged proceeds, the stage of investigation, and the specific requirement of custodial interrogation asserted by the investigating agency, this Court is of the view that the competing considerations of personal liberty and effective investigation cannot, at this stage, be balanced in favour of granting anticipatory bail.

https://indiankanoon.org/doc/101597289/; Mohammad Touseef Ahmed vs State Of Telangana; CRLP No.12047 of 2026; 14.08.2026
Petitioner counsel submits that petitioner-accused has got married on 15.05.2026 and the complaint came to be lodged on 09.07.2026, as per the complaint the incident took place in the year 2021 and Section 69 of BNS is not attracted as it came into force on 01.07.2024.
9.1. In R.Kiruthiga1, the High Court of Madras, Madurai Bench observed that refusal to marry is on 30.08.2024, the offence of sexual intercourse by deceit was complete at the time of the alleged intercourse, which took place prior to the commencement of BNS.
9.2. The above said decision is not applicable to the case on hand in view of the fact that defacto complainant made an application for alteration of penal provision to Section 69 of BNS. The facts are completely different with the case on hand.
10. It is stated in the remand report that the defacto complainant has discovered that the petitioner-accused was already married and had concealed the fact, misled her with false promise of marriage, exploited her and engaged in a physical relationship multiple times under false presence only to satisfy his lust and dishonestly obtained money from her by misrepresentation.
11. In Yaga Kaushik Kumar Reddy2, this Court has dismissed the bail petition only on the premise that the victim statement is to be recorded.

https://indiankanoon.org/doc/77656363/; APHC010478802023; Gangula Govardhan Rao vs State Of AP on 20 August, 2026; CRIMINAL PETITION NO: 7186 OF 2023
As per the judgment of Apex Court in Jagdish Channa & others Vs. State of Haryana & another1, Shiji Vs. Radhika & Another2, Narinder Singh & others Vs. State of Punjab3 and Anita Maria Dias and Another vs. State of Maharashtra and Anr4, { AIR 2008 SC 1968 (2011) 10 SCC 705 (2014) 6 SCC 466 (2018) 3 SCC 290} the Hon'ble Supreme Court has laid down that even in non- compoundable cases on the basis of compromise,

criminal proceedings can be quashed so that valuable time of the Court can be saved and utilised in other material cases.

https://indiankanoon.org/doc/178093899/; Aerlam Alias Muddangula Anuradha vs The State Of Telangana on 20 August, 2026; WRIT PETITION NO.31736 OF 2025 (DB)

In any event, it is well settled that a detention order is justified where the Detaining Authority has reason to believe that there is a real possibility of the detenu being released on bail and upon such release, is likely to indulge in activities prejudicial to the maintenance of public order.
The subjective satisfaction of the Detaining Authority is a condition precedent for exercising the power of preventive detention and the Court can always examine whether the Detaining Authority has arrived at the requisite satisfaction
3. Mere pendency of criminal prosecution does not by itself vitiate an order of preventive detention. Preventive detention is a precautionary measure and is based on a reasonable prognosis of future conduct of a person based upon the material placed before the Detaining Authority. An order for preventive detention may be made before or during prosecution or even in anticipation of prosecution or after discharge or acquittal
4. Cases cited on behalf of the Petitioner

https://indiankanoon.org/doc/91217886/; P. Laxma Reddy vs The State Of Telangana on 21 August, 2026; CRIMINAL PETITION No.12058 of 2026

Further, as per sub-Section 5 of Section 33 of the POCSO Act, a child witness should not be called repeatedly to testify in the Court. The said provision is intended to protect the child from the hardship and trauma of repeated appearances and repeated examination before the Court. Merely subsequent deposition of PW.3 cannot be a ground for recalling PW.1 for further cross-examination, especially when the petitioner had already availed the opportunity to cross- examine PW.1. Hence the petitioner is not entitled to seek recalling of PW.1 for further cross-examination, particularly mandate under Section 35(3) of the POCSO Act.
13. It is relevant to mention that in Ag v. Shiv Kumar Yadav and Anr 2, the Hon'ble Supreme Court considered the scope of recall of witnesses under Section 311 Cr.P.C. after the prosecutrix had already been extensively cross-examined. The Court held that the power to recall witnesses must be exercised only when such recall is essential for a decision of the case. It was observed that a witness cannot be recalled merely on the ground that a new counsel has been engaged or that the earlier counsel did not conduct the cross-examination effectively. The

Hon'ble Supreme Court further held that repeated recall of witnesses would cause unnecessary delay in the trial and may amount to filling up lacunae in the defence, which is impermissible in law.

14. It is also relevant to mention that in Madhab Chandra Pradhan & Others v. State of Odisha 3, the Hon'ble Supreme Court held that though the Court has wide powers to recall witnesses, such power must be exercised cautiously and only when it is essential for the just decision of the case, keeping in view the mandate under Section 33(5) of the POCSO Act that a child victim should not be repeatedly called to testify. Similar views were expressed in Mohsin Khan v. State of AIR 2015 SC 3501 Special leave petition (Crl.) No. 10082 of 2024 dated 05.08.2024. Delhi 4, Neelam & Another v. State of U.P. 5, Vikas v. State 6, and Jerin Joy v. State of Kerala 7, wherein it was held that recall of witnesses cannot be permitted merely to fill up lacunae or when witnesses were already cross-examined at length.

15. The judgments relied upon by the learned counsel for the petitioner in S. Ganeshan (supra), the High Court of Madras held that where a heavy burden is caused on the petitioner to rebut the presumption which operates against him, and the crucial witnesses have not been cross-examined, the evidence stands unrebutted and it would amount to a case of no defence, resulting in grave prejudice to the accused. However, where the victim is now aged about 21 years and does not fall within the definition of "child" under Section 33(5) of the POCSO Act, 2012, an opportunity may be given to the accused to recall and cross-examine such crucial witnesses, in the interests of a fair opportunity of defence. In Shri Krishna Mohan Das (supra), the High Court of Calcutta held that where the cross-examination of prosecution witnesses is found to be deficient, casual or cryptic and such inadequate cross-examination may prejudice the accused in properly defending the case, the Court may permit re-cross- examination of the witnesses where it is absolutely essential for the 2025 SCC OnLine Del 5609 2026 SCC OnLine All 51 2020 SCC OnLine Del 3788 2024 SCC OnLine Ker 2344 accused to effectively defend in accordance without law. In Shivanand Ramgonda Hegaje Patil (supra), the High Court of Bombay held that the protection afforded to a child witness under Section 33(5) of the POCSO Act, which requires that the child should not be repeatedly called to testify, cannot be construed as an absolute prohibition against recalling a witness in every circumstance. The Court must balance the legislative object of protecting the child from repeated examination with the accused's fundamental right to a fair trial and effective cross-examination. Where the existing cross-examination is wholly inadequate on a material aspect and denial of further opportunity would cause serious prejudice to the accused, recall

may be permitted, particularly when the application is bona fide and the proposed cross-examination is confined to the necessary points.
16. The above said judgments are not applicable to the facts and circumstances of the present case on the ground that there was no denial of an opportunity of cross-examination to the petitioner.

https://indiankanoon.org/doc/36339108/; Mr. Dinesh Harwani vs The State Of Telangana on 21 August, 2026; CRLP No. 11193 OF 2026

The petitioner's contention that the search conducted at his parents' residence yielded no incriminating material, his absence of criminal antecedents, his permanent residence at Hyderabad, and his willingness to cooperate with the investigation are circumstances in his favour. However, these circumstances are not, by themselves, conclusive where the investigation is still at a crucial stage. The Court must balance the petitioner's right to personal liberty against the legitimate requirement of ensuring a fair and effective investigation.

https://indiankanoon.org/doc/64846360/; Rasapally Rachapally Ranjith vs The State Of Telangana on 21 August, 2026; CRLP No. 12615 OF 2026

Mere recovery of the motorcycle or an undertaking to cooperate with the investigation does not, by itself, render custodial interrogation unnecessary or justify the grant of pre-arrest protection. In the present case, the allegations involve six persons acting conjointly, wrongful restraint, assault causing injuries, and the forcible taking away of a valuable motorcycle, attracting the statutory framework relating to robbery and dacoity. The specific allegations, identification of the accused, the cited eye- witnesses, and the gravity of the accusations outweigh the circumstances relied upon by the petitioners. Accordingly, without expressing any opinion on the merits of the prosecution case or the defence of false implication, this Court finds no sufficient ground to exercise its discretion under Section 482 of the BNSS.

https://indiankanoon.org/doc/98316926/; APHC010430602026; SAPPA ASHOK Vs State of A.P; CRIMINAL PETITION NO: 7108/2026

If the Petitioner is enlarged on bail, he is likely to cooperate with the Trial Court for expeditious disposal of the case.

On perusal of the record, the Petitioner was arraigned as Accused No.5. The present petition is the third bail application filed by the Petitioner/Accused No.5. The Petitioner was arrested on 10.12.2025. He has been in judicial custody for the past 258 days. The Accused Nos.1 to 7 were apprehended on the spot while indulging in possession and transportation of 24.690 kgs of ganja. After thorough investigation, the charge sheet was filed on 07.04.2026 and taken on file as S.C.NDPS.No.79 of 2026 on the file of the learned Additional District and Sessions Judge, Rajamahendravaram.

https://indiankanoon.org/doc/163540875/; APHC010650222012; Putta Veera Venkata Satyanarayan & 2 Ots vs Jagatha Veerabhadra Rao Jvb Rao Ano on 25 August, 2026; MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2321/2012

The Hon'ble Apex Court made in Ravi vs. Badrinarayan and Others1 the relevant paragraphs 17 to 19 read as follows:-

"17. It is well settled that **delay in lodging the FIR** cannot be a ground to doubt the claimant's case. Knowing the Indian conditions as they are, we cannot expect a common man to first rush to the police station immediately after an accident. Human nature and family responsibilities occupy the mind of kith and kin to such an extent that they give more importance to get the victim treated rather than to rush to the police station. Under such circumstances, they are not expected to act mechanically with promptitude in lodging the FIR with the police. (2011) 4 SCC 693 : (2011) 2 SCC (Civ) 426 Delay in lodging the FIR thus, cannot be the ground to deny justice to the victim.

18. In cases of delay, the courts are required to examine the evidence with a closer scrutiny and in doing so the contents of the FIR should also be scrutinized more carefully. If the court finds that there is no indication of fabrication or it has not been concocted or engineered to implicate innocent persons then, even if there is a delay in lodging the FIR, the claim case cannot be dismissed merely on that ground. The purpose of lodging the FIR in such type of cases is primarily to intimate the police to initiate investigation of criminal offences.

19. Lodging of FIR certainly proves the factum of accident so that the victim is able to lodge a case for compensation but delay in doing so cannot be the main ground for rejecting the claim petition. In other words, although lodging of FIR is vital in deciding motor accident claim cases, delay in lodging the same should not be treated as fatal for such proceedings, if claimant has been able to demonstrate satisfactory and cogent reasons for it. There could be a variety of reasons in genuine cases for delayed lodgment of FIR. Unless kith and kin of the victim are able to regain a certain level of tranquility of mind and are composed to lodge it, even if, there is delay, the same deserves to be condoned. In such circumstances, the authenticity of the FIR assumes much more significance than delay in lodging thereof supported by cogent reasons."

At this juncture, this Court also deems it fit to consider a decision in Jacob Mathew v. State of Punjab, (2005) 6 SCC 1 : 2005 SCC (Cri) 1369 : (2005) 4 CTC 540 (SC), wherein, the Hon'ble Supreme Court has explained the distinction between a tort and crime, where negligence is the fact, required to be proved and at Paras 13 to 17, held as follows:

"13. The moral culpability of recklessness is not located in a desire to cause harm. It resides in the proximity of the reckless state of mind to the state of mind present when there is an intention to cause harm. There is, in other words, a disregard for the possible consequences. The consequences entailed in the risk may not be wanted, and indeed the actor may hope that they do not occur, but this hope nevertheless fails to inhibit the taking of the risk. Certain types of violation, called optimizing violations, may be motivated by thrill- seeking. These are clearly reckless.

14. In order to hold the existence of **Criminal rashness or Criminal negligence** it shall have to be found out that the rashness was of such a degree as to amount to taking a hazard knowing that the hazard was of such a degree that injury was most likely imminent. The element of criminality is introduced by the accused having run the risk of doing such an act with recklessness and indifference to the consequences. Lord Atkin in his speech in Andrews v. Director of Public Prosecutions, [1937] A.C. 576, stated,--

"Simple lack of care such as will constitute Civil liability is not enough; for purposes of the criminal law there are degrees of negligence; and a very high degree of negligence is required to be proved before the felony is established."

Thus, a clear distinction exists between "simple lack of care" incurring Civil liability and "very high degree of negligence" which is required in Criminal cases. Lord Porter said in his speech in the same case--

"A higher degree of negligence has always been demanded in order to establish a criminal offence than is sufficient to create civil liability. (Charlesworth & Percy, ibid, para 1.13)

15. The fore-quoted statement of law in Andrews has been noted with approval by this Court in Syad Akbar v. State of Karnataka, (1980) 1 SCC 30 : 1980 SCC (Cri) 59. The Supreme Court has dealt with and pointed out with reasons the distinction between negligence in Civil law and in criminal law. Their Lordships have opined that there is a marked difference as to the effect of evidence, viz. the proof, in Civil and Criminal proceedings. In Civil proceedings, a mere preponderance of probability is sufficient, and the defendant is not necessarily entitled to the benefit of every reasonable doubt; but in Criminal proceedings, the persuasion of guilt must amount to such a moral certainty as convinces the mind of the Court, as a reasonable man, beyond all reasonable doubt. Where

negligence is an essential ingredient of the offence, the negligence to be established by the Prosecution must be culpable or gross and not the negligence merely based upon an error of judgment.
16. Law laid down by Straight, J. in the case Reg v. Idu Beg, 1881 SCC OnLine All 103 : (1881) 3 All. 776, has been held good in cases and noticed in Bhalchandra Waman Pathe v. State of Maharashtra, 1967 SCC OnLine SC 26 : 1968 Mah LJ 423, a Three-Judge Bench decision of this Court. It has been held that while negligence is an omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do; Criminal negligence is the gross and culpable neglect or failure to exercise that reasonable and proper care and precaution to guard against injury either to the public generally or to an individual in particular, which having regard to all the circumstances out of which the charge has arisen, it was the imperative duty of the Accused person to have adopted.
17. In our opinion, the factor of grossness or degree does assume significance while drawing distinction in negligence actionable in tort and negligence punishable as a crime. To be latter, the negligence has to be gross or of a very high degree."

https://indiankanoon.org/doc/175391488/; APHC010383992026; Kanumuri Sai Tribhuvan Varma vs Union Of India; CRIMINAL PETITION NO: 6226 of 2026 Date: 25.08.2026

The Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioners/Accused Nos.1 and 2 on bail in F.No.DRI/HZU/VJRU/48/ENW/-2(INT-2)/2026 on the file of Directorate of Revenue Intelligence, Regional Unit, Vijayawada, registered for the alleged offences punishable under Sections 22(c), 25, 27A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

On a perusal of the record, this Court, by order dated 22.06.2026 in Crl.P.No.4525 of 2026, dismissed the first bail application on the ground that the inventory had not been completed and the chemical analysis report had not been received. However, the learned Counsel for the Petitioners submits that the chemical analysis report had, in fact, been received on 17.06.2026. According to the said report, Alprazolam was not detected in the seized material. The Petitioners were arrested on 12.03.2026 and have been in judicial custody for the past 166 days. Smt. Santhi Chandra learned Senior Counsel for the Respondents submits that an application has been filed seeking second opinion from the Central

Laboratory by forwarding the sample material for further analysis, and that orders thereon are awaited.
Having regard to the facts and circumstances of the case and the nature and gravity of the allegations levelled against the Petitioners/Accused Nos.1 and 2, this Court is inclined to enlarge the Petitioners/Accused Nos.1 and 2 on bail, subject to certain stringent conditions. **However, if the chemical analysis report to be submitted by the Central Laboratory confirms that the seized material contains Alprazolam or any other psychotropic substance, this bail order shall be liable to be recalled.**

{ Sec 37 of NDPS Act not discussed}

https://indiankanoon.org/doc/73831822/; APHC010410372026; N Srinivasulu Alias Bsp Srinu vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 6739 of 2026 Date: 25.08.2026;

Per contra, Mr. A. Sai Rohith, the learned Assistant Public Prosecutor opposed the bail application and submitted that the petitioner is a rowdy-sheet holder of V. Kota Police Station. After thorough investigation, the charge sheet has been filed and the accusation against the petitioner is well founded. It is further submitted that the deceased was a journalist and that the petitioner is alleged to have instigated Accused Nos.1 and 2 to commit the murder. Hence, it is contended that there are no merits in the present bail application and the same is liable to be dismissed.
On perusal of the record, it is noticed that the petitioner has been arrayed as Accused No.3 and was arrested on 17.05.2026. He has been in the judicial custody for the past 100 days. This Court has already considered the bail request of the petitioner in the earlier bail application and dismissed the same. Except the confession of the Petitioner/Accused No.3 given before the mediators in the presence of the police officials no other incriminating material collected by the investigating officer.
In this regard, it is apposite to issue certain directions to the Superintendent of Police, Chittoor District, to take appropriate steps for Dr.YLR, J Dated 25.08.2026 imparting training to the Investigating Officers, particularly those in the cadre of Inspectors of Police and Sub-Divisional Police Officers, so as to acquaint them with the principles governing the law of evidence relating to confessions, their admissibility and evidentiary value, and the manner in which evidence is required to be collected in grave offences in the course of investigation. The Investigating Officers shall be sensitized to the necessity of conducting scientific and independent investigations and shall not rest the prosecution case solely on the confessional statements of accused persons allegedly made in the presence of mediators, without collecting

corroborative evidence in support thereof. The Superintendent of Police, Chittoor shall submit a compliance report to the Registrar (Judicial) with necessary details within three months.

{No Change in Circumstances & Rowdy Sheeter enlarged on bail, as IO arrayed the petitioner as accused basing on his confession alone}

2026 0 INSC 917; 2026 0 Supreme(SC) 996; Yash Mahesh Gaikwad Vs State Of Maharashtra And Anr.; Criminal Appeal No(s). 4056 of 2026 (Arising out of SLP(Crl.) No(s). 6992 of 2026) With Criminal Appeal No(s). 4057 of 2026 (Arising out of SLP(Crl.) No(s). 11038 of 2026), Criminal Appeal No(s). 4058 of 2026 (Arising out of SLP(Crl.) No(s). 11039 of 2026), Criminal Appeal No(s). 4059 of 2026 (Arising out of SLP(Crl.) No(s). 11037 of 2026);Decided On : 20-08-2026

On going through the order dated 12th November, 2025 passed by the High Court in the case of accused No.4-Jyotiraditya, which is the foundational bail order following which accused No. 3-Pruthviraj was granted bail on parity by the trial Court, we fail to find any such reasons which could justify the grant of bail to the said accused. The reasons assigned by the High Court for granting bail are flimsy and untenable in the eyes of law.

35. The High Court and the learned trial Court completely ignored the preceding facts where all the four accused persons continuously attacked the house of the complainant party threatening that they would not spare the complainant party in case Prajwal failed to apologize.

The fact that the accused persons were prepared well in advance to commit some grave offence is prima facie borne out from the fact that the can containing petrol was carried in the vehicle in which all four accused persons had arrived at the crime scene. The time of the incident, the prior preparation of the accused persons to commit the crime and the repeated threats extended to the complainant party constitute significant and grave circumstances, which, when considered cumulatively, indicate the premeditated nature of the ghastly attack in which an innocent human being was burnt alive by pouring inflammable fluid on his body.

In our considered view, the aforesaid circumstances weigh heavily against the grant of the discretionary relief of bail and disentitle the accused persons from claiming the indulgence of bail.

2026 0 INSC 918; 2026 0 Supreme(SC) 997; Reji Baby Vs Subi Mary & Ors.; Criminal Appeal No. 1346 of 2021; Decided On : 24-08-2026

The respondents have sought to challenge the Settlement Agreement and decree of divorce on the ground of duress. However, respondent No.1-

wife has not instituted any proceedings to set aside the decree or to seek a declaration invalidating the Settlement Agreement.

12. Mere averments of coercion, absent any legal challenge, cannot suffice. The parties, being well educated and cognizant of their rights, must be deemed to have consciously and voluntarily executed the Settlement Agreement and joint divorce petition.

13. Recently, a co-ordinate Bench of this Court in Dhananjay Rathi v. Ruchika Rathi, 2026 SCC OnLine SC 587, has deprecated the practice of initiating proceedings under the DV Act, despite a valid compromise. The relevant portion of the judgment in Dhananjay Rathi (supra) is reproduced hereinbelow:

"30. It is trite law that once the parties have entered into a settlement agreement which was duly authenticated by the mediator, in case of any resilement from such terms as agreed upon in the settlement, the resiling party must be encumbered with heavy costs. Any deviation from the terms of the settlement arrived in mediation and later confirmed by the Court should be dealt with strictly as such deviation harbors an attack to the foundational basis of the entire process of mediation. This Court in the case of Gimpex Private Limited v. Manoj Goel, (2022) 11 SCC 705, while dealing with a compromise entered between the parties in case of cheque dishonour, held that the parties cannot be allowed to reverse the effect of a settlement agreement by pursuing either original or subsequent complaints. A three-Judge Bench of this Court therein emphasized that a settlement once entered and authenticated by a mediator subsumed the original complaint. The relevant portion of the said judgment is reproduced herein under: "41. When a complainant party enters into a compromise agreement with the accused, it may be for a multitude of reasons — higher compensation, faster recovery of money, uncertainty of trial and strength of the complaint, among others. **A complainant enters into a settlement with open eyes and undertakes the risk of the accused failing to honour the cheques issued pursuant to the settlement, based on certain benefits that the settlement agreement postulates. Once parties have voluntarily entered into such an agreement and agree to abide by the consequences of non-compliance of the settlement agreement, they cannot be allowed to reverse the effects of the agreement by pursuing both the original complaint and the subsequent complaint arising from such non-compliance. The settlement agreement subsumes the original complaint.** Non-compliance of the terms of the settlement agreement or dishonour of cheques issued subsequent to it, would then give rise to a fresh cause of action attracting liability under Section 138 of the NI Act and other remedies under civil law and criminal law.

XXX

C.2. Liability arising from the settlement agreement
31. Once a settlement agreement has been entered into between the parties, the parties are bound by the terms of the agreement and any violation of the same may result in consequential action in civil and criminal law."
(emphasis supplied)

2026 0 INSC 887; 2026 0 Supreme(SC) 966; Pramod Kumar Shukla Vs. State of Uttar Pradesh And Others; Criminal Appeal No. 3931 of 2026 (Arising out Of S.L.P. (Criminal) No. 12908 of 2025); 19-08-2026
Reliance was placed on V. Ravi Kumar v. State Represented by Inspector of Police, District Crime Branch, Salem, Tamil Nadu and Others, (2019) 14 SCC 568, Shivshankar Singh v. State of Bihar and Another, (2012) 1 SCC 130 and Anju Chaudhary v. State of Uttar Pradesh and Another, (2013) 6 SCC 384 to submit that a subsequent complaint or FIR is not barred where it is founded upon fresh material or distinct facts not considered in the earlier proceedings.
In SAS Infratech Pvt. Ltd. v. State of Telangana and Another, 2024 SCC OnLine SC 4046 it was reiterated that a Magistrate, while directing investigation under Section 156(3) of the Cr.PC, does not take cognizance of the offence. Cognizance is taken only where the Magistrate, upon application of judicial mind, chooses to proceed under Chapter XV of the Code by resorting to the procedure contemplated under Section 200 of the Cr.PC.
The inquiry before this Court must, therefore, proceed on the same doctrinal footing. The issue is not whether an earlier application under Section 156(3) of the Cr.PC had been preferred or rejected. Rather, the determinative question is whether an order rejecting such an application possesses the character of a final adjudication on the merits so as to attract the doctrine of res judicata.
39) In our considered view, the answer must be in the negative. As already discussed, an order passed under Section 156(3) of the Cr.PC is confined to directing, or declining to direct, the exercise of the statutory power of investigation under Chapter XII of the Code. Such an order neither entails an adjudication on the merits of the allegations nor determines any right or liability of the proposed accused. Applying the same principle, the rejection of an application under Section 156(3) of the Cr.PC, being an order rendered at the threshold without any adjudication on the merits after trial, cannot be accorded such finality as would attract the doctrine of res judicata so as to bar the subsequent registration of an FIR or the continuation of criminal proceedings founded upon the same or substantially similar allegations.

The consequence is self-evident. The rejection of an application under Section 156(3) of the Cr.PC cannot curtail or extinguish the independent statutory obligation cast upon the Police under Section 154 of the Cr.PC. If, notwithstanding such rejection, information disclosing the commission of a cognizable offence is subsequently furnished to the Police, the statutory duty recognised in Lalita Kumari (supra) continues to operate with full force.
It is well settled that while exercising jurisdiction under Section 482 of the Cr.PC, the Court is concerned only with whether the allegations contained in the FIR, taken at their face value and accepted in their entirety, disclose the commission of a cognizable offence. At that stage, the Court does not embark upon an enquiry into the correctness, reliability or probative value of the material relied upon by either side. This principle stands authoritatively settled in Bhajan Lal (supra) and has been consistently reaffirmed, in Neeharika Infrastructure (P) Ltd (supra). In the present case, the FIR alleges that the appellant induced the informant to part with substantial sums of money on the representation that he could secure public employment for the informant's son and grandson, received such amounts in his bank account, furnished forged admit cards and examination results in furtherance of the deception, and thereafter threatened the informant when repayment was demanded. We are also conscious of the fact that the record indicates that the appellant is arraigned in five FIR’s with substantially similar allegations. These allegations, if accepted at their face value, unquestionably disclose the commission of cognizable offences warranting investigation.
48) The various submissions advanced on behalf of the appellant regarding the true nature of the monetary transactions, the police report obtained in the earlier proceedings under Section 156(3) of the Cr.PC, and the evidentiary worth of the audio recordings, bank transactions, admit cards and other documents, are all matters falling within the domain of appreciation of evidence in a trial. At this stage, Court cannot undertake an examination of such material or determine which of the rival versions is more probable.

2026 0 INSC 926; 2026 0 Supreme(SC) 1045; Vijay Kumar Rajpoot Alias Vijju Vs State of Chhattisgarh & Ors. ; Criminal Appeal No. 4083 of 2026 [Arising out of SLP (Crl.) No. 12330 of 2026] 31-08-2026
The provision can be invoked only where there exists reasonable grounds for believing that the person concerned is engaged, or is about to be engaged, in the commission of an offence involving force or violence, or in the commission of specified categories of offences enumerated therein. Admittedly, none of the offences of which the appellant is accused and which have been relied on by the third respondent in the impugned

externment order are offences involving force or violence. Equally, the offences alleged against the appellant do not fall within the categories contemplated by Section 5(b), namely, offences under Chapters XII, XVI or XVII of the IPC or offences punishable under Sections 506 or 509 thereof. On the contrary, the allegations against the appellant pertain to offences which correspond to the provisions contained in Chapter XV of the IPC relating to offences affecting religion. In the absence of commission of offences, as required for an order to be passed under Section 5(b), the conditions precedent for exercise of power were clearly not satisfied. The impugned externment order, therefore, cannot be sustained on the face of what Section 5(b) of the Adhiniyam provides.

EXPERTS SPEAK

Query: Whether the presence of the Victim under POCSO Act, mandatory at the time of hearing the bail? Or can it be delegated?

Reply: The Hon'ble High Court of Bombay presided by Hon'ble Sri Justices Dipankar Datta, C.J. and G.S. Kulkarni, J., in the case between Arjun Kishanrao Malge Vs State of Maharashtra and Others; bearing Public Interest Litigation No. 5 of 2021, Decided on April 8, 2021, and reported as 2021 SCC OnLine Bom 551 : (2021) 2 Bom CR (Cri) 677 : 2021 Cri LJ 2269 : (2021) 2 AIR Bom R (Cri) 630, held that

> "In our opinion, the petitioner is correct in his contention, also referring to the provisions of Section 439 of the Cr.P.C. and the amendment made thereto by incorporation of Sub-section (1A) [(by Act 22 of 2018) with effect from 21 April 2019] stipulating that "the presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under sub-section (3) of section 376 or section 376AB or section 376DA or section 376DB of the Penal Code, 1860." It needs to be noted that such provisions of the Penal Code, 1860 referring to sub-section (1A) of Section 439 of the Cr.P.C. are in relation to the offences under sub-section (3) of Section 376 or Section 376AB or Section 376DA or Section 376DB of the IPC which relate to children. We thus find ourselves in agreement with the contention of the petitioner that akin to the offences which fall under the Penal Code, 1860 as set out in subsection (1A) of Section 439 of Cr.P.C., with respect to applications for bail under the POCSO Act, **the presence of the informant or any person authorised by him shall be made obligatory at the time of hearing of the application for bail.** This would certainly be in consonance with the object of Section 40 of the POCSO Act read with Rule 4(13) and

4(15) of the POCSO Rules. To such extent, we also find ourselves, in agreement with the directions of the Delhi High Court in its orders as noted above."

NOSTALGIA

NO MINI TRIAL at stage of quash petition

in State of Uttar Pradesh and Another Vs. Akhil Sharda and Others1, by the Apex Court in its vivid terms in the following way:

7. Having gone through the impugned judgment and order passed by the High Court by which the High Court has set aside the criminal proceedings in exercise of powers under Section 482 Cr.P.C., it appears that the High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the application under Section 482 Cr.P.C. As observed and held by this Court in a catena of decisions no mini trial can be conducted by the High Court in exercise of powers under Section 482 Cr.P.C., jurisdiction and at the stage of deciding the application under Section 482 Cr.P.C., the High Court cannot get into appreciation of evidence of the particular case being considered.

Consideration of Defence Material in quash petition

In Rajiv Thapar and Others v. Madan Lal Kapoor, (2013) 3 SCC 330, this Court laid down a 4-step test to determine if criminal proceedings can be quashed on the basis of defense material/official records prior to trial:

"30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:

30.1. Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?

30.2. Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3. Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?

30.4. Step four: whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5. If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused."

in Prashant Bharti v. State (NCT of Delhi), (2013) 9 SCC 293 while applying Rajiv Thapar (supra) case held that where defence material of sterling and unimpeachable quality is placed on record, and such material completely demolishes the prosecution case, the High Court would be justified in quashing the proceedings even at the pre-trial stage, since no purpose is served in allowing a prosecution to continue when the material produced convincingly demonstrates that the allegations are patently false. The Court further proceeded to hold that to permit the prosecution to proceed further in such circumstances would itself be an abuse of the process of the court.

In Harshendra Kumar (surpa), this Court reiterated that while exercising jurisdiction under Section 482 Cr.P.C., the High Court can look into material that has a bearing on the question whether continuance of the criminal proceedings would amount to an abuse of the process of court, and that if, on the face of documents which are beyond suspicion or doubt, no case is made out against the accused, the High Court would be justified in exercising its jurisdiction to quash the proceedings.

In Mirza Iqbal alias Golu and Another v. State of Uttar Pradesh and Another, (2022) 16 SCC 697 this Court considered the quashing of proceedings where the accused's official duty record demonstrated his absence from the place of occurrence.

Delay in Lodging FIR

in the case of Om Pal and Others v. State of U.P (Now State of Uttarakhand), 2025 INSC 1262 speaking through one of us (Prashant Kumar Mishra, J.) held that where the delay in lodging of the FIR is explained to the satisfaction of the Court, the delay cannot itself be regarded as fatal to the case of the prosecution. Further in the case of Ramdas and Others v. State of Maharashtra, (2007) 2 SCC 170, it was held as under:

"24. Counsel for the State submitted that the delay in lodging the first information report in such cases is immaterial. The proposition is too broadly stated to merit acceptance. It is no doubt true that mere delay in lodging the first information report is not necessarily fatal to the case of the prosecution. However, the fact that the report was lodged belatedly is a relevant fact of which the court must take notice. This fact has to be considered in the light of other facts and circumstances of the case, and in a given case the court may be satisfied that the delay in lodging the report has been sufficiently explained. In the light of the totality of the evidence, the court of fact has to consider whether the delay in lodging the report adversely affects the case of the prosecution. That is a matter of appreciation of evidence. There may be cases where there is direct evidence to explain the delay. Even in the absence of direct explanation there may be circumstances appearing on record which provide a reasonable explanation for the delay. There are cases where much time is consumed in taking the injured to the hospital for medical aid and, therefore, the witnesses find no time to lodge the report promptly. There may also be cases where on account of fear and threats, witnesses may avoid going to the police station immediately. The time of occurrence, the distance to the police station, mode of conveyance available, are all factors which have a bearing on the question of delay in lodging of the report. It is also possible to conceive of cases where the victim and the members of his or her family belong to such a strata of society that they may not even be aware of their right to report the matter to the police and seek legal action, nor was any such advice available to them. In the case of sexual offences there is another consideration which may weigh in the mind of the court i.e. the initial hesitation of the victim to report the matter to the police which may affect her family life and family's reputation. Very often in such cases only after considerable persuasion the prosecutrix may be persuaded to disclose the true facts. There are also cases where the victim may choose to suffer the ignominy rather than to disclose the true facts which may cast a stigma on her for the rest of her life. These are cases where the initial hesitation of the prosecutrix to disclose the true facts may provide a good explanation for the delay in lodging the report. In the ultimate analysis, what is the effect of delay in lodging the report with the police is a matter of appreciation of evidence, and the court must consider the delay in the background of the facts and circumstances of each case. Different cases have different facts and it is the totality of evidence and the impact that it has on the mind of the court that is important. No straitjacket formula can be evolved in such matters, and each case must rest on its own facts. It is settled law that however similar the circumstances, facts in one case cannot be used as a precedent to determine the conclusion on the facts in another. (See Pandurang v. State of Hyderabad [(1955) 1 SCR 1083 : AIR 1955 SC 216] .) Thus mere delay in lodging of the report may not by itself be fatal to the case of the prosecution, but the delay has to be considered in the background of the facts and circumstances in each case and is a matter of appreciation of evidence by the court of fact."

(emphasis supplied)

distinction between Section 302 and Section 304 of the IPC

in the case of Pulicherla Nagaraju alias Nagaraja Reddy v. State of A.P., (2006) 11 SCC 444 held that the distinction between Section 302 and Section 304 of the IPC depends on the intention of the accused person, which has to be gathered from the overall circumstances including the nature of the weapon used, part of the body targeted, whether the act was in the course of sudden quarrel or sudden fight or free for all fight, whether the incident occurs by chance or whether there was any premeditation, etc. In Pulicherla Nagaraju alias Nagaraja Reddy (supra), this Court held as under:

"29. Therefore, the court should proceed to decide the pivotal question of intention, with care and caution, as that will decide whether the case falls under Section 302 or 304 Part I or 304 Part II. Many petty or insignificant matters — plucking of a fruit, straying of cattle, quarrel of children, utterance of a rude word or even an objectionable glance, may lead to altercations and group clashes culminating in deaths. Usual motives like revenge, greed, jealousy or suspicion may be totally absent in such cases. There may be no intention. There may be no premeditation. In fact, there may not even be criminality. At the other end of the spectrum, there may be cases of murder where the accused attempts to avoid the penalty for murder by attempting to put forth a case that there was no intention to cause death. It is for the courts to ensure that the cases of murder punishable under Section 302, are not converted into offences punishable under Section 304 Part I/II, or cases of culpable homicide not amounting to murder, are treated as murder punishable under Section 302. The intention to cause death can be gathered generally from a combination of a few or several of the following, among other, circumstances: (i) nature of the weapon used; (ii) whether the weapon was carried by the accused or was picked up from the spot; (iii) whether the blow is aimed at a vital part of the body; (iv) the amount of force employed in causing injury; (v) whether the act was in the course of sudden quarrel or sudden fight or free for all fight; (vi) whether the incident occurs by chance or whether there was any premeditation; (vii) whether there was any prior enmity or whether the deceased was a stranger; (viii) whether there was any grave and sudden provocation, and if so, the cause for such provocation; (ix) whether it was in the heat of passion; (x) whether the person inflicting the injury has taken undue advantage or has acted in a cruel and unusual manner; (xi) whether the accused dealt a single blow or several blows. The above list of circumstances is, of course, not exhaustive and there may be several other special circumstances with reference to individual cases which may throw light on the question of intention. Be that as it may."

(emphasis supplied)

Related witness is not interested witness

in the case of Shio Shankar Dubey and Others v. State of Bihar, (2019) 6 SCC 501, while referring to its earlier decisions, clarified that a witness can be regarded as an interested witness only when it can be shown that such witness has direct motive, personal animosity or any other reason to falsely implicate the accused person. Ultimately, the credibility of every witness has to be determined keeping in view the facts and circumstances of each case. In Shio Shankar Dubey (supra), this Court observed thus:

"10. PW 11, who is a brother of the deceased, has fully corroborated the prosecution case in his evidence. In spite of thorough cross-examination, the witnesses could not be shaken. The submission of the appellant that witnesses PW 11 and PW 13 being related to the deceased are interested witnesses and should not be relied upon does not commend us. The mere fact that the deceased was brother of the informant and PW 13 is the husband of the niece of the deceased does not impeach their evidence in any manner. The mere fact that witness is related does not lead to inference that such witness is an interested witness. This Court has occasion to consider such submission in a number of cases. In Kartik Malhar v. State of Bihar [Kartik Malhar v. State of Bihar, (1996) 1 SCC 614 : 1996 SCC (Cri) 188] , this Court held that a close relative who is a very natural witness cannot be regarded as an interested witness. In paras 15 and 16, the following was laid down: (SCC pp. 621-22)

"15. As to the contention raised on behalf of the appellant that the witness was the widow of the deceased and was, therefore, highly interested and her statement be discarded, we may observe that a close relative who is a natural witness cannot be regarded as an interested witness. The term "interested" postulates that the witness must have some direct interest in having the accused somehow or the other convicted for some animus or for some other reason. In Dalbir Kaur v. State of Punjab [Dalbir Kaur v. State of Punjab, (1976) 4 SCC 158 : 1976 SCC (Cri) 527] , it has been observed as under: (SCC pp. 167-68, para 11)

'11. … Moreover, a close relative who is a very natural witness cannot be regarded as an interested witness. The term "interested" postulates that the person concerned must have some direct interest in seeing that the accused person is somehow or the other convicted either because he had some animus with the accused or for some other reason. Such is not the case here.'

16. In Dalip Singh v. State of Punjab [Dalip Singh v. State of Punjab, (1953) 2 SCC 36 : AIR 1953 SC 364 : 1953 Cri LJ 1465] it has been laid down as under: (AIR p. 366, para 26)

'26. A witness is normally to be considered independent unless he or she springs from sources which are likely to be tainted and that

usually means unless the witness has cause, such as enmity against the accused, to wish to implicate him falsely. Ordinarily a close relative would be the last to screen the real culprit and falsely implicate an innocent person. It is true, when feelings run high and there is personal cause for enmity, that there is a tendency to drag in an innocent person against whom a witness has a grudge along with the guilty, but foundation must be laid for such a criticism and the mere fact of relationship far from being a foundation is often a sure guarantee of truth. However, we are not attempting any sweeping generalisation. Each case must be judged on its own facts. Our observations are only made to combat what is so often put forward in cases before us as a general rule of prudence. There is no such general rule. Each case must be limited to and be governed by its own facts.'"
(emphasis supplied)

Plurality of witnesses (quantity Vs Quality)
When there is a direct evidence in the form of a sole eyewitness testimony, there exists no legal impediment on convicting solely on the basis of that since what matters is the quality and not the quantity of the witnesses. The aforesaid principle was authoritatively laid down in the case of Vadivelu Thevar (supra) wherein it was held:
"16. It is not necessary specifically to notice the other decisions of the different High Courts in India in which the Court insisted on corroboration of the testimony of a single witness, not as a proposition of law, but in view of the circumstances of those cases. On a consideration of the relevant authorities and the provisions of the Evidence Act, the following propositions may be safely stated as firmly established:
16.1. As a general rule, a court can and may act on the testimony of a single witness though uncorroborated. One credible witness outweighs the testimony of a number of other witnesses of indifferent character.
16.2. Unless corroboration is insisted upon by statute, courts should not insist on corroboration except in cases where the nature of the testimony of the single witness itself requires as a rule of prudence, that corroboration should be insisted upon, for example in the case of a child witness, or of a witness whose evidence is that of an accomplice or of an analogous character.
16.3. Whether corroboration of the testimony of a single witness is or is not necessary, must depend upon facts and circumstances of each case and no general rule can be laid down in a matter like this and much depends upon the judicial discretion of the Judge before whom the case comes.

17. In view of these considerations, we have no hesitation in holding that the contention that in a murder case, the court should insist upon plurality of witnesses, is much too broadly stated. Section 134 of the Indian Evidence Act, has categorically laid it down that “no particular number of witnesses shall, in any case, be required for the proof of any fact”. The legislature determined, as long ago as in 1872, presumably after due consideration of the pros and cons, that it shall not be necessary for proof or disproof of a fact, to call any particular number of witnesses. In England, both before and after the passing of the Indian Evidence Act, 1872, there have been a number of statutes as set out in Sarkar's Law of Evidence, 9th Edn., at pp. 1100 and 1101, forbidding convictions on the testimony of a single witness. The Indian legislature has not insisted on laying down any such exceptions to the general rule recognised in Section 134 quoted above. The section enshrines the well-recognised maxim that “Evidence has to be weighed and not counted”. Our legislature has given statutory recognition to the fact that administration of justice may be hampered if a particular number of witnesses were to be insisted upon. It is not seldom that a crime has been committed in the presence of only one witness, leaving aside those cases which are not of uncommon occurrence, where determination of guilt depends entirely on circumstantial evidence. If the legislature were to insist upon plurality of witnesses, cases where the testimony of a single witness only could be available in proof of the crime, would go unpunished. It is here that the discretion of the presiding Judge comes into play. The matter thus must depend upon the circumstances of each case and the quality of the evidence of the single witness whose testimony has to be either accepted or rejected. If such a testimony is found by the court to be entirely reliable, there is no legal impediment to the conviction of the accused person on such proof. **Even as the guilt of an accused person may be proved by the testimony of a single witness, the innocence of an accused person may be established on the testimony of a single witness, even though a considerable number of witnesses may be forthcoming to testify to the truth of the case for the prosecution. Hence, in our opinion, it is a sound and well-established rule of law that the court is concerned with the quality and not with the quantity of the evidence necessary for proving or disproving a fact.**

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19. There is another danger in insisting on plurality of witnesses. **Irrespective of the quality of the oral evidence of a single witness, if courts were to insist on plurality of witnesses in proof of any fact, they will be indirectly encouraging subornation of witnesses. Situations may arise and do arise where only a single person is available to give evidence in support of a disputed**

fact. The court naturally has to weigh carefully such a testimony and if it is satisfied that the evidence is reliable and free from all taints which tend to render oral testimony open to suspicion, it becomes its duty to act upon such testimony. The law reports contain many precedents where the court had to depend and act upon the testimony of a single witness in support of the prosecution. There are exceptions to this rule, for example, in cases of sexual offences or of the testimony of an approver; both these are cases in which the oral testimony is, by its very nature, suspect, being that of a participator in crime. But, where there are no such exceptional reasons operating, it becomes the duty of the court to convict, if it is satisfied that the testimony of a single witness is entirely reliable. We have therefore, no reasons to refuse to act upon the testimony of the first witness, which is the only reliable evidence in support of the prosecution."
(emphasis supplied)
21. This Court in the case of Prithipal Singh and Others v. State of Punjab and Another, (2012) 1 SCC 10held that the Courts are supposed to evaluate the evidence by its reliability rather than its quantity, thus, the Court may convict on the basis of the testimony of the sole witness or acquit despite several witnesses. In Prithipal Singh (supra), this Court observed thus:
"49. This Court has consistently held that as a general rule the court can and may act on the testimony of a single witness provided he is wholly reliable. There is no legal impediment in convicting a person on the sole testimony of a single witness. That is the logic of Section 134 of the Evidence Act. But if there are doubts about the testimony, the court will insist on corroboration. In fact, it is not the number or the quantity, but the quality that is material. The time-honoured principle is that evidence has to be weighed and not counted. **The test is whether the evidence has a ring of truth, is cogent, credible and trustworthy or otherwise. The legal system has laid emphasis on value, weight and quality of evidence, rather than on quantity, multiplicity or plurality of witnesses. It is, therefore, open to a competent court to fully and completely rely on a solitary witness and record conviction.** Conversely, it may acquit the accused in spite of testimony of several witnesses if it is not satisfied about the quality of evidence. [See Vadivelu Thevar v. State of Madras [Vadivelu Thevar v. State of Madras, AIR 1957 SC 614 : 1957 Cri LJ 1000], Sunil Kumar v. State (Govt. of NCT of Delhi) [Sunil Kumar v. State (Govt. of NCT of Delhi), (2003) 11 SCC 367 : 2004 SCC (Cri) 1055] , Namdeo v. State of Maharashtra [Namdeo v. State of Maharashtra, (2007) 14 SCC 150 : (2009) 1 SCC (Cri) 773] and Bipin Kumar Mondal v. State of W.B. [Bipin Kumar Mondal v. State of W.B., (2010) 12 SCC 91 : (2011) 2 SCC (Cri) 150]]"
(emphasis supplied)

Bail in NDPS upon filing charge sheet

The Hon'ble Supreme Court in The State of Telangana Vs. Somanath Khara @ Mohesh @ Hedu 1 has observed in Para Nos.6 and 7, which reads as under:

"6. In a case under the NDPS Act, long duration of custody or the completion of investigation are not sufficient factors for enlarging the accused on bail. The accused persons seeking bail have to overcome the rigors of Section 37 of the Act. The Court in passing the impugned order(s) has not considered the above aspect of the matter(s).

7. In view of the aforesaid circumstances, we are of the opinion that the order(s) impugned cannot be sustained in law and as such, are hereby set aside."

Organised Crime

Mahipal Singh v. Central Bureau of Investigation and Anr., (2014) 11 SCC 282, considering the definitions of 'continuing unlawful activity' and 'organised crime' under the Maharashtra Act held that, to impose punishment for the offence of organised crime under Section 3 of that Act, the accused is required to be involved in continuing unlawful activity which inter alia provides that more than one charge-sheets are to be filed before a competent court within the preceding period of ten years, and the court had taken cognizance of such offence.

Consideration for grant of bail and its cancellation

This Court in Ram Govind Upadhyay v. Sudarshan Singh & Ors., (2002) 3 SCC 598, Mahipal v. Rajesh Kumar & Anr., (2020) 2 SCC 118, Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana & Anr., (2021) 6 SCC 230 has categorically laid down that in serious offences like murder, the order granting bail must reflect proper application of mind to the facts of the case and justifiable reasons have to be recorded before bail is granted to such an accused. The Court in Mahipal (supra) observed as follows:-

"26. In Kalyan Chandra Sarkar v. Rajesh Ranjan [Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528] , a two-Judge Bench of this Court was required to assess the correctness of a decision [Rajesh Ranjan v. State of Bihar, Criminal Misc. No. 28179 of 2002, order dated 23-5-2003 (Pat)] of a High Court enlarging the accused on bail. Santosh Hegde, J. speaking for the Court, discussed the law on the grant of bail in non-bailable offences and held : (SCC p. 535, para 11)

"11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate

documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind.”
27. Where an order refusing or granting bail does not furnish the reasons that inform the decision, there is a presumption of the non-application of mind which may require the intervention of this Court. Where an earlier application for bail has been rejected, there is a higher burden on the appellate court to furnish specific reasons as to why bail should be granted.”
(Emphasis Supplied)
33. This Court, in Shabeen Ahmad v. State of Uttar Pradesh, (2025) 4 SCC 172 reiterated the settled principles governing the exercise of jurisdiction in matters concerning grant of bail and power of the appellate court to interfere with and set aside an order granting bail which is bereft of cogent reasons, and observed as follows:-
“18. A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public faith in the judiciary’s resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalising a crime that continues to claim numerous innocent lives. These observations regarding grant of bail in grievous crimes were thoroughly dealt with by this Court in Ajwar v. Waseem [Ajwar v. Waseem, (2024) 10 SCC 768] in the following paras : (SCC pp. 783-84, paras 26-28)
“26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer : Chaman Lal v. State of U.P. [Chaman Lal v. State of U.P., (2004) 7 SCC 525] ; Kalyan Chandra Sarkar v. Rajesh Ranjan [Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528]; Masroor v. State of U.P. [Masroor v. State of U.P., (2009) 14 SCC 286]; Prasanta Kumar Sarkar v. Ashis Chatterjee [Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496] ; Neeru

Yadav v. State of U.P. [Neeru Yadav v. State of U.P., (2014) 16 SCC 508]; Anil Kumar Yadav v. State (NCT of Delhi) [Anil Kumar Yadav v. State (NCT of Delhi), (2018) 12 SCC 129]; Mahipal v. RajeshKumar [Mahipal v. Rajesh Kumar, (2020) 2 SCC 118]

27. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. **However, an unreasoned or perverse order of bail is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order.** In P. v. State of M.P. [P. v. State of M.P., (2022) 15 SCC 211] decided by a three-Judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under Section 439(1)CrPC in the following words : (SCC p. 224, para 24)

'24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [Dolat Ram v. State of Haryana, (1995) 1 SCC 349]. To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court.'

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- Notification Regarding Commencement Of The Tribunals Reforms Act, 2026
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- The Andhra Pradesh Electronic Communication And Video Conferencing Rules, 2026. [G.O.Ms.No.145, Home (Courts-B), 5th August, 2026.]
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ON A LIGHTER VEIN

A theft had taken place in the neighborhood.

Everyone was worried, wondering who could have committed the theft...

Then I stepped in and said,

"This must be the work of a thief..."

I possess a lot of wisdom, yet I have never been arrogant about it...!!!

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