



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15210 of 2025

Mohammed Saleem Saanu Malik

... Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
C2, Elephant Gate Police Station,
Chennai. (Crime No.39 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail, pending trial before the VIII Metropolitan Magistrate Court, George Town, Chennai under PRC No.39/2025 for the Crime No.39 of 2025 on the file of the respondent police.

For Petitioner : Mr.N.Ramachandran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.01.2025 for the offences punishable under Sections 103(1) of BNS Act, 2023, in Crime No.39 of 2025 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that while the victim and the petitioner were present at the de facto complainant's shop, the victim was later found dead inside the shop with his face covered by a sack, and the petitioner was found to be missing. Hence the case.



3.The contention of the learned counsel appearing for the petitioner is that the petitioner is an innocent person and he has nothing to do with the alleged offence and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution's case and submitted that since the victim abused the Mother and Sister of the petitioner, he killed the victim and hence, the learned Government Advocate (Crl. Side) opposed for granting bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and taking note of the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned VIII Metropolitan Magistrate, George Town, Chennai, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed



to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

WEB COPY

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

15.05.2025

sai/ham

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



WEB COPY

Crl.O.P.No.15210 of



M.NIRMAL KUMAR, J.

sai/ham

To

1. The VIII Metropolitan Magistrate Court, George Town, Chennai
2. The Inspector of Police, C2, Elephant Gate Police Station, Chennai.
3. The Superintendent, Puzhal Central Prison, Chennai.
4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.15210 of 2025

15.05.2025