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Crl.O.P.No.2902



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.29029 of 2025
and Crl.M.P.No.20095 of 2025

1. Haji Ismail
2. Ajmalkhan
3. Ubaiyathullah

... Petitioners

-VS-

State Rep by,
The Inspector of Police,
F2 – Egmore Police Station,
Egmore, Chennai.
(Crime No.746 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail in Crime No.746 of 2025 pending investigation on the file of the Respondent police.

For Petitioners : Mr.R.Dhanasekar

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

For Intervenor : Mr.Balaji Thirumoorthy



ORDER

The petitioners, who were arrested and remanded to judicial custody on 03.10.2025, for the alleged offence punishable under Sections 296(b), 115(2), 118(1), 351(3) of BNS r/w Section 3(5) of BNS in Crime No.746 of 2025, on the file of the respondent police, seeks bail.

2. The allegation against these petitioner is that these petitioners are known to the defacto complainant. On 03.10.2025 there was a meeting held and after conclusion of the meeting and the instigation of third petitioner, other accused have attacked the defacto complainant with sharp knife and caused severe injuries. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are an innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners were arrested and they were in judicial custody from 03.10.2025 and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned counsel for the Intervenor submitted that the petitioners have been attacked the defacto complainant and his family members and the defacto complainant sustained grievous injuries ad he has undergone treatment and now discharged from hospital.



5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners are arrayed as A1 to A3 and due to family enmity these petitioners attacked the defacto complainant with knife and it results caused severe injuries and the third petitioner having two previous cases and he opposed for grant of bail to the petitioners.

6. Heard both sides and perused the materials available on record including the First Information Report. I have also gone through the FIR and it revealed that after meeting between the parties these petitioners have attacked the defacto complainant and others with knife. It further revealed that on the instigation of third petitioner this occurrence was taken place.

7. Considering the submissions of the learned counsel on either side and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

8. Accordingly, the petitioners is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties, each for a like sum to the satisfaction of the *learned XIV Metropolitan Magistrate, Egmore*, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



**[b] the petitioners shall report before the learned
Judicial Magistrate No.I, Vellore daily at 10.30 a.m., for a period
of four weeks;**

[c] the petitioners shall not abscond either during
investigation or trial;

[d] the petitioners shall not tamper with the evidence or
witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the
learned Magistrate/Trial Court is entitled to take appropriate action
against the petitioners in accordance with law as if the conditions
have been imposed and the petitioners 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)AIR SCW 5560];

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

[g] Consequently, the connected criminal miscellaneous
petition is ordered.

28.10.2025

rna

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.

To

1. The Judicial Magistrate No.I, Vellore.
2. The XIV Metropolitan Magistrate, Egmore.
3. The Inspector of Police,
F2 – Egmore Police Station,
Egmore, Chennai.
4. The Central Prison, Puzhal.
5. The Public Prosecutor,
High Court, Madras.

K. RAJASEKAR, J.



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