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Crl.O.P.Nos.901, 1294 & 1252 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 22.01.2026**

CORAM

**THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**Crl.O.P.Nos.901, 1294 & 1252 of 2026**

Muntaqueem Ahmed ... Petitioner in Crl.O.P.No.901 of 2026  
P. Mohammed Niaz ... Petitioner in Crl.O.P.No.1294 of 2026  
Mohammed Ayaan ... Petitioner in Crl.O.P.No.1252 of 2026

Vs.

The State represented by  
The Inspector of Police,  
T21, Kilambakkam Police Station,  
Peerakankaranai Chennai,  
Tamil Nadu  
(Crime No.204 of 2025)

... Respondent in all Ops

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitionerss/Accused on bail  
in Crime No.204 of 2025 pending on the file of the respondent Police.

For Petitioners : Mr.P.Sidharthan

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

**ORDER**

The petitioners, who were arrested on 03.10.2025 and remanded to  
judicial custody on 04.10.2025, for the offence punishable under Sections  
103(1), 238(a) of BNS in Crime No.204 of 2025, registered on the file of the  
respondent, seeks bail.



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2. The case of the prosecution is that the defacto complainant and her husband ( victim) belongs to Andaman and Nicobar Islands. The victim and one Mutaqueem Ahmed were doing hotel business by entering into an partnership agreement. However, later the said Muntaqueem Ahmed relinquished his share of partnership to the victim. Due to that some money dispute ensued between them. Whiles, when the victim arrived at Chennai through AIR, he found missing and his mobile phones were switched off. Thereby a case in Crime No.36 of 2025 has been registered at Airport Police Station. Later, the case has been transferred to the file of respondent police Station on the point of jurisdiction and the present case in Crime No.204 of 2025 on the file of Kilambakkam Police Station. After transfer of investigation, it revealed that, A1 in this case joining hands with other accused abducted the missing person from the Airport and taken him to Orissa and jointly strangulated him and murdered him, and burnt his body, and also burnt the car used by them. In this regard, CCTV footage revealed the overtact attributed by the petitioners and they were arrested and in custody.



3. The learned counsel appearing for the petitioners submitted that originally the 1<sup>st</sup> accused in this case was granted anticipatory bail while the case was investigated by the Airport Police Station as “ man missing” as per the order passed in Crl.M.P.No.2631 of 2025 vide order dated 16.09.2025. he further He further submitted that, petitioner herein is in incarceration from 03.10.2025 and final report also filed and the case also committed to Sessions. He further submitted that, as far as other accused are concerned, they are young persons and they have been falsely implicated in this case and they have no previous case. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that, earlier bail was granted during the case pending before the Airport Police Station as “ man missing” and at that time, investigation was in preliminary stage and no incriminating materials were available and there was no apprehension of arrest and therefore, granting anticipatory bail itself is not appropriate. Though respondents have not challenged the order, after transfer of investigation, new FIR was registered on the file of the Kilambakkam Police Station and they investigated the case



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and unearthed the truth that the accused have brutally murdered the deceased.

He further submitted that, though investigation in this case completed, since they are hailing from other state, they will abscond and it will hamper the trial process. He also relied the judgement of the Apex Court in **Pradeep Ram Vs. State of Jharkhand and another** reported in (2019) 17 SCC to justify the arrest of Accused No.1. Hence, he opposed to grant bail to the petitioners.

5. I have gone through the FIR and other materials placed on record including the order passed in Crl.M.P.No.2631 of 2025 granting anticipatory bail to the petitioners.

6. On perusal of the anticipatory bail order passed by the learned Principal Sessions Judge in Crl.M.P.No.2631 of 2025, it reveals that the case registered before the Airport Police Station as “man missing” and at that time, there was no material to implicate the petitioners and since there was no apprehension of arrest and the nature of case of man missing, was also not altered and the FIR was captioned only as “man missing (non – Act), however anticipatory bail was granted to the Accused No.1. Subsequently, the respondent have collected various materials including the CCTV footage of



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the murder which involves screening of offences including *corpus delicti*.

*Considering the gravity of the offences,,* petitioners were arrested. At the time of producing the petitioner for remand before the concerned Magistrate, the request of the Investigation Officer was accepted and the petitioners were remanded after considering the merits of the case. So far, that order was also not challenged by the petitioner. Hence, I am of the view that, contention of the petitioner that anticipatory bail already granted to the petitioner is not acceptable. Considering the case on merits, it is a pre- planned murder, however petitioner was arrested on 03.10.2025 and the investigation in this case has been completed and the case was committed to Sessions Court and the petitioners have been directed to be produced before the Sessions Court on 23.01.2026 and considering the above facts and though , it is a grave offence, the fact that the petitioners are in custody for more than 100 days, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Tambaram** and on further conditions that:

[a] the sureties shall affix their photographs and  
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[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;

**[b] the petitioners shall report before the Committed Court on all working day at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;**

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

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

[e] the petitioners 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 petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;



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

**22.01.2026**

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**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. Judicial Magistrate No.I, Tambaram
- 2.The Inspector of Police,  
T21, Kilambakkam Police Station,  
Peerakankaranai Chennai,  
Tamil Nadu
- 3.The Puzhal Prison, Puzhal.
- 4.The Public Prosecutor,  
High Court of Madras.

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**K.RAJASEKAR, J.**

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