



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.3332 of 2026

A. Mohamed Bagith Khan

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
Bazaar Police Station,
Coimbatore City
Coimbatore District
(Crime No.555 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.555 of 2025 on the file of the respondent police, pending investigation.

For Petitioner : Mr.S. Bharanidharan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 29.12.2025 for the alleged offence under Sections 296(b), 115(2), 351(3)
109 of BNS @ to Section 296(b), 115(2), 351(3), 109, 103(1) in Crime No.555
of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused is a auto driver
and when the defacto complainant and the deceased was walking in the vegetable



market the accused drove the auto in a rash and negligent manner and hit behind back of the deceased and when it was questioned by the deceased, the accused abused him and attacked him and caused injuries to him. Subsequently on the next day the deceased succumbed to the injuries. Originally the case was registered and the sections was altered under Sections 296(b), 115(2), 351(3) 109 of BNS and altered to Section 296(b), 115(2), 351(3), 109, 103(1). Hence this petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case and he is in judicial custody from 29.12.2025. He further submitted that it is a case of sudden quarrel which resulted in causing death. He also submitted that the petitioner is ready to co-operate with the investigation and ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner attacked the deceased indiscriminately which resulting in causing death. He further submitted that investigation in this case is pending. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.



6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, considering the period of his incarceration and the manner in which the occurrence has taken place and no weapon is used 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.20,000/- (Rupees Twenty Thousand only) with two sureties each, for a like sum to the satisfaction of the learned **Judicial Magistrate No.5, Coimbatore** , 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders

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

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

[e] On breach of any of the aforesaid conditions, the



WEB COPY

learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 6300];

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

12.02.2026

smn

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.5, Coimbatore**
- 2.The Inspector of Police,Bazaar Police Station, Coimbatore City ,Coimbatore District
- 3.The Superintendent, Central Prison, Coimbatore
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



K. RAJASEKAR, J.

smn

Crl.O.P.No.3332 of 2026

12.02.2026