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Crl.O.P.No.10606 of 2026

**;IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 28.04.2026**

**CORAM**

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**Crl.O.P.No.10606 of 2026**

Mohammed Fattah

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
B-2, Esplanade Police Station,  
Chennai City.  
(Crime No.46 of 2026).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.46 of 2026, pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mr.S.Vinoth Kumar  
Government Advocate (Criminal Side)

**ORDER**

Petition seeking bail in respect of Crime No.46 of 2026 registered under Section 194 BNSS and later altered to one under Sections 105, 115(2), 296(b), 351(2) of the BNS, is on board for consideration.



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2. The learned counsel for the petitioner/A1, pleading innocence on the part of the petitioner, who has been in incarceration since 13.03.2026 and false implication in the case, seeks indulgence of this Court. He also submits that the petitioner and the victim/deceased were strangers. He further submits that the victim/deceased, who was in an inebriated condition, committed an act of public indecency by urinating in public view in the proximity of a woman and when the same was questioned by the petitioner and the another accused, a quarrel arouse between them, resulting in a brawl. He also submits that other than assaulting the victim with his hands, the petitioner had nothing to do with the alleged offence and thus, the assault was neither premeditated nor intentional. He further submits that the petitioner is 19 years old and has no bad antecedents. He also submits that major part of the investigation has been completed and the co-accused has already been enlarged on bail. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for the grant of bail, is that the petitioner/A1, along with the second accused, indiscriminately assaulted the victim/deceased, resulting in the death of the victim.



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He further submits that the case was initially registered under 194 of BNSS and later altered to one under Sections 105, 115(2), 296(b), 351(2) of the BNS. He also submits that the investigation in this case has been completed and the respondent police are yet to file the final report.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent police and perused the materials available on record and considering the period of incarceration undergone by the petitioner and taking note of the fact that the act of the petitioner was not premeditated and was unintentional, this Court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **7<sup>th</sup> Metropolitan Magistrate, George Town, Chennai**, 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, everyday at 10.30 a.m., until further orders;**



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

[d] the petitioner shall not tamper with 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 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 5560]*;

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

**28.04.2026**

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**Note:**

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



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- To
1. The 7<sup>th</sup> Metropolitan Magistrate,  
George Town, Chennai.
  2. The Inspector of Police,  
B-2, Esplanade Police Station,  
Chennai.
  3. The Superintendent,  
Central Prison – 2,  
Puzhal, Chennai – 66.
  4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

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