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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 34426 of 2026

CNR: {HCMA012786942026}

1. Md Tahabir
   S/o.Md Kajibur,
   Tetaribari,
   Gurhi, Bihar.

Case QR

2. Sarful
   S/o.Israfil,
   Sadhuvaily,
   Purnea, Bihar.

..Petitioner(s)

Vs

The State rep by the Inspector of Police
J-7, Velachery Police Station,
Chennai District.
Crime No.489 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail concerned in Crime No.489 of 2026 on the file of the Inspector of Police, Velachery Police Station, Tiruvallur District on such terms and conditions as this Hon'ble court may deem fit and proper in the circumstances of the case

For Petitioner(s): Mr.V.JAGADEESAN

For Respondent(s): Mr.M.M.I. Khaleel
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on

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03.10.2026 for the alleged offences under Section 103(1) of BNS, in Crime No.489 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners and the deceased are working in the same construction site. While the petitioners and the deceased were consuming liquor, a wordy quarrel arose between them due to existing money dispute, for which the petitioners brutally attacked the victim with knife and murdered him. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocence and they have been falsely implicated in this case and that they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that the petitioners are arrayed as A2 and A3. He further submitted that the investigation is still pending. However, he opposed the grant of bail to the petitioners.

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5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. It is a case of murder of a co-worker. The petitioners are arrayed as A2 and A3. According to the prosecution, the petitioners and the deceased worked at the same construction site, and in a quarrel over money while they were drinking together, the deceased was attacked with a knife and killed. The specific overt act against the petitioners is that they accompanied with other petitioners at the time of occurrence. The petitioners were arrested on 04.10.2026 and have been in judicial custody since then. The petitioner hails from the State of Bihar. The case is under investigation. Considering the above facts and circumstances of the case and the period of incarceration already undergone by the petitioners, this Court is inclined to enlarge the petitioners on bail subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties** (**one surety must be a blood related surety**) for a like sum to the satisfaction of the **learned XVIII Metropolitan Magistrate Court, Saidapet,** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship

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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 respondent police twice daily at 10.30 a.m., and 5.30 p.m., until further orders;

[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 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];**

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

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DRL

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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.The XVIII Metropolitan Magistrate Court,
Saidapet.

2. The Inspector of Police
J-7, Velachery Police Station,
Chennai District.

3.The Superintendent, Central Prison,
Puzhal.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

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