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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 34745 of 2026

Md Kasim,
S/o.Md Kajibur Rahman,
Tetaribadi,
Gurhi,
Bihar. ...Petitioner/Accused No.1

Vs

The State rep by
The Inspector of Police,
J-7, Velachery Police Station,
Chennai District. ...Respondent/Complainant
(Crime No.489 of 2026)

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.

For Petitioner(s): Mr.R.Parthiban

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

O R D E R

The Petitioner, who was arrested and remanded to judicial custody on 03.10.2026 for the alleged offence under Section 103(1) of BNS, in Crime No.489 of 2026 on the file of the respondent police, seeks bail.

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2. It is a case of murder. According to 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 petitioner brutally attacked the victim with knife and murdered him. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody since 03.10.2026. He also further submitted that the co-accused have already been arrested and released on bail by this Court in Crl.O.P.No.34426 of 2026, dated 24.11.2026 and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that the petitioner is arrayed as A1. He further submitted that the investigation is still pending. Hence, he strongly opposed the grant of bail to the petitioner.

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

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6. It is a case of murder of a co-worker. The petitioner is arrayed as A1. According to the prosecution, the petitioner 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 petitioner is that the petitioner accompany with other petitioners at the time of occurrence. The petitioner was arrested on 03.10.2026 and has 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 petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on him 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 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 [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 petitioner shall report before the respondent police twice daily at 10.30 a.m., and 5.30p.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 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 petitioner in acc with law as if the aforementioned 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)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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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.

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