



Crl.O.P.No.13902 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13902 of 2025

Moofi @ Stephen @ Vinayagamoorthy ... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
G-7 Chetpet Police Station,
Chennai.
(Crime No.50 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in Crime No.50 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Anbu Selvan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.03.2025 for the offences punishable under Sections 8(c) r/w 22(b)[ii](B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.50 of 2025 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner was found in illegal possession of 1.400 kgs of Ganja for sale and thus committed the aforesaid offences.

3. The contention of the learned counsel appearing for the petitioner is that a false case has been foisted against the petitioner. Though the petitioner has some previous cases, the respondent police regularly registered one case or other, against the petitioner. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he may not be deteriorate or threat to the society and further submitted that this case is at the stage of pending trial, hence, he has to instruct his counsel to defend his case. and he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and further submitted that the petitioner is a notorious criminal having 16 previous cases out of which two cases under NDPS Act and also involved cases under Section 302 IPC and cases under Arms Act. The petitioner is a history sheeter A category accused. Hence, he opposed for granting bail to the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and the period of incarceration suffered 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 conditions that:

i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned **Metropolitan Magistrate-II at Egmore.**

ii) **The petitioner shall report before the respondent police everyday at 10.00 am, until further orders except for the days where he has to appear before the Trial Court until the completion of investigation in the above case.**

iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

iv) The petitioner shall make himself available for interrogation by a Police Officer as and when required;

v) The petitioner shall not directly or indirectly cause any



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threat to the defacto complainant and witnesses;

vi) The petitioner 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;

vii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

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

14.05.2025

rkp/ep

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.



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To

1. The Metropolitan Magistrate-II at Egmore.
2. The Inspector of Police,
G-7 Chetpet Police Station,
Chennai
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

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