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Crl.OP.No.26098 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

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THE HONOURABLE JUSTICE **K.RAJASEKAR**

Crl.O.P.No.26098 of 2025

Stephen @ Moonu Thalai Stephen

... Petitioner

Vs.

The State Rep by its
Inspector of Police,
N4, Fishing Harbour Police Station,
Chennai.
(Cr.No.105 of 2022)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
C.C.No.42 of 2023 on the file of the Principal Special Court under EC and
NDPS Act, Chennai.

For Petitioner : Mr.G.EzhilBalaji

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

ORDER

This Criminal Original Petition is filed for enlarging the petitioner on
bail pending in C.C.No.42 of 2023 on the file of the Principal Special Court



under EC and NDPS Act, Chennai. The petitioner, who was arrested and remanded to judicial custody on 11.06.2022 for the allegation against the petitioner and co-accused is that they were selling MDMA contraband weighing 10.15grams approximately. Hence, the case.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the first accused in C.C.No.42 of 2023 on the file of the Principal Special Court under EC and NDPS Act, Chennai in connection with Cr.No.105 of 2022 on the file of the respondent police for the alleged offence under Sections 8(c) r/w 22(C) and 29(1) of NDPS Act. He further submitted that the petitioner has been in custody for a long period of nearly 2½ years and he is ready to cooperate with the trial process. However, the trial proceedings have already been concluded. He further submitted that the vakalat on behalf of the petitioner was filed on 04.07.2025, and even thereafter, the trial has not progressed. Hence, he prayed that bail may be granted to the petitioner.

3. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that



earlier, the third accused was absconding and hence, the trial Court was not in a position to frame charges. Now, the case has been split up and posted for framing of charges. He further reported that the petitioners are not cooperating with the trial and have wantonly delayed the proceedings with an intention to obtain bail on the ground of continuous incarceration without progress in the trial. He therefore opposed the grant of bail on the ground that since the petitioners themselves are the root cause for the delay, they are not entitled to take advantage of their own fault.

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

5. I have also called for a report from the concerned Court in this regard, and the report dated 08.10.2025 has been produced before this Court.

6. Admittedly, the petitioner was arrested in the year 2022. The fact remains that the petitioner was not engaged a counsel for a considerable period. Though counsel had earlier been engaged, none appeared on behalf of the petitioner. Thereafter, only recently, on 04.07.2025, counsel was



engaged on behalf of the petitioner herein. It is seen that after continuously delaying the trial process, the petitioner and other accused have now engaged counsel, but they themselves have caused the delay in the proceedings. Since it is a settled law that no one can be permitted to take advantage of his own fault, and as the delay is not attributable to the prosecution, I am not inclined to reconsider the bail petition.

7. Accordingly, this Criminal Original Petition is dismissed.

28.10.2025

Vv

To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N4, Fishing Harbour Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.



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