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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-10-2026**

CORAM

**THE HON'BLE MR.JUSTICE N.RAMESH**

**CRL OP No. 30234 of 2026**

*CNR: {HCMA012504492026}*

Mohammed Buhari
S/o Mahoboob Basha,
No.418, 10th East Street,
Metha Nagar,
Kundrathur,
Chennai.

..Petitioner(s)

Vs

The State Rep by The Inspector of Police
C2, Elephant Gate Police Station,
Chennai.
Cr.No.167 of 2026.

..Respondent(s)

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to release the petitionre on bail in Cr.No.167 of 2026 on the file of the C-2 Elephant Gate Police Station,Chennai and pass such further or other orders as this honourable Court may deem fit in the interest of justice.

For Petitioner(s): Mr.Abudukumar Rajarathinam, Senior Counsel for Mr.S.Ashok Kumar

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

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 04.08.2026 for the alleged offence under Sections 126(2), 308(2) and 351(2) of



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BNS, 2023 in Crime No.167 of 2026 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner/A1, while functioning as an Assistant Commissioner, allegedly threatened the defacto complainant with implication in a murder case and extorted nearly Rs.40,00,000/- from him under various pretexts over a period of about two years. It is further alleged that on 02.08.2026, the petitioner demanded Rs.5,00,000/- and arranged to receive the amount through A2. Based on the complaint lodged by the defacto complainant on 03.08.2026, the present case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner, while serving as Inspector of Police, was conducting an enquiry into a drug trafficking network and that the defacto complainant had voluntarily approached him, offering to provide information about the persons involved. He further submitted that, on 02.08.2026, the petitioner visited the defacto complainant's residence in his official capacity and subsequently met the second accused near Kannan Roundabout in connection with the said enquiry. The petitioner categorically denied having demanded or received any money from the defacto complainant and contended that the present case was foisted against him due to the displeasure of local police authorities over his enquiry



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into the drug trafficking network. Hence, he prays for grant of bail to the Petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent, while opposing the grant of bail to the petitioner submitted that during investigation, the confession statement of A1 was obtained and iPhone was seized. He further submitted that Crime No.167 of 2026 was registered for offences under Sections 126(2), 308(2) and 351(2) of BNS, 2023 and subsequently altered to include Sections 127(2), 308(2), 308(3) and 351(2) read with Section 3(5) of the BNS, 2023 and Section 7 of the Prevention of Corruption Act, 1988. The charge sheet has been filed under F.R. No.136 of 2026 dated 09.09.2026, and the matter is pending before the learned VIII Metropolitan Magistrate, George Town, Chennai. Hence, the question of statutory bail does not arise.

It was further submitted that the petitioner had earlier filed two bail applications before the learned Principal Judge, City Civil and Sessions Court, Chennai, in Crl.MP.Nos.8235 of 2026 and 9083 of 2026, and a bail petition before this Court in Crl.OP.No.26979 of 2026, which was dismissed on 01.10.2026. In the absence of any intervening circumstance or fresh material, the present second bail application is not maintainable.



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The learned Government Advocate further submitted that the petitioner's plea that he was directed by higher officials to conduct an enquiry and that the defacto complainant was in close contact with the kingpin of the drug trade is an after thought, which was not raised in the earlier proceedings. It was submitted that the allegations against the petitioner are serious in nature and that the respondent police have already filed the charge sheet. Hence, granting bail at this stage would prejudice the prosecution and hamper the trial. However, he 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.

6. As stated in the earlier order, the accusation against the petitioner is not one of extortion by a private person. It is that an Inspector of Police took the fact that a citizen's name stood against a mobile number found in a murder investigation, and turned it into a threat of prosecution for murder. The previous bail application was dismissed on 01.10.2026 for the reason that investigation is pending and that the apprehension of interference with the witnesses. Now, it is stated in the counter that charge sheet has been filed and the co-accused has been released on bail. These are the two changes of circumstances after dismissal of the first bail application. As far as the apprehension of interference with the witnesses can be addressed by imposing


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appropriate conditions. Considering the period of incarceration already undergone by the petitioner, the completion of investigation, the filing of the charge sheet and the fact that the co-accused has already been released on bail, this Court is inclined to enlarge the petitioner on bail subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 VIII Metropolitan Magistrate, George Town, Chennai,** and on further conditions that:

> [a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety slip [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 Assistant Commissioner of Police / Investigation Officer daily at 10.30 a.m., until further orders;**
>
> **[c] the petitioner shall not indulge in any criminal activity or tamper with the prosecution witnesses in any manner. If any such complaint received, the respondent police is at liberty to seek cancellation of the bail granted to the petitioner in accordance with law;**
>
> [d] the petitioner shall not abscond either during



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investigation or trial;

[e] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[f] 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];**

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

**27-10-2026**

DRL

**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 VIII Metropolitan Magistrate,
George Town, Chennai.

2. The Inspector of Police
C2, Elephant Gate Police Station,
Chennai.

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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