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Crl.O.P.No.30786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30786 of 2024

1.Levin @ Poochi

2.Yuvaraj

... Petitioners

Vs.

State, represented by
The Inspector of Police,
Arambakkam Police Station,
Tiruvallur District,
Crime No.530 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crime No.530 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Rarthiban

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

ORDER

This Petition has been filed by the petitioner, who was arrested and



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remanded to judicial custody on 20.11.2024, seeking bail in Crime No.530 of 2024 registered for the offence under Sections 296(b), 132, 351(3) of BNS r/w. Section 25(1-A) of Arms Act and Section 8(c), 20(b) (ii) (A) of NDPS Act, 1985, is on board for consideration.

2.The case of the prosecution is that on 20.11.2024 at about 12.00 hours based on the secret information the respondent police, while they were on Patrol duty near Elavur GNT Salai, they found that the petitioners were in possession of 400 Kgs. of Ganja in their two wheeler and abused the police officials with filthy language using a knife and also threatened them with dire consequences. Hence, the case.

3.The incarceration of the petitioners being from 20.11.2024 pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners having some previous antecedent, therefore, the respondent police for the statistical purpose have foisted the present case against them. Due to the incarceration of the petitioners, their family members have put to great prejudice. They are ready to furnish substantial



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sureties for their due release on bail and ready to abide by any conditions that may be imposed by this Court.

4.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 20.11.2024 at about 12.00 hours based on the secret information the respondent police, while they were on Patrol duty near Elavur GNT Salai, they found the petitioners with 400 Kgs. of Ganja in their two wheeler and abused the police officials with filthy language using a knife and also threatened them with dire consequences. He further submits that A1 is having five previous cases and A2 is having four previous cases out of which 2 NDPS cases.

4.Considering the voluntary submission made by the learned counsel for the petitioners, the **petitioners** are directed to deposit a sum of **Rs.10,000/- each (Rupees Ten Thousand only)** to the credit of the **"MANASU, CSB Bank, Pallavaram Branch A/C.No.024404406764190001 IFSC : CSBK0000244"** without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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5.Further, having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant bail to the petitioners/ with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Gummidipoondi, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

***[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;**

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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appropriate action against the petitioners in accordance with law as if the 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)AIR SCW 5560];***

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

13.12.2024

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To

- 1.The District Munsif cum Judicial Magistrate,
Gummudipoondi.
- 2.The Inspector of Police,
Arambakkam Police Station,
Tiruvallur District,
- 3.The Superintendent,
Central Prison - II,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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