

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1830 OF 2015

Mr. Mukesh Champaklal Patel ... Applicant.

V/s.

Intelligence Officer, Customs, Air
Intelligence Unit, CSI Airport,
Sahar, Andheri (E), Mumbai & Anr. ... Respondents.

Mr. A. H. Ponda i/by A.M. Sachawani, Advocate for the
Applicant.

Ms. Veera Shinde, A.P.P. for the Respondent – State.

Mr. R.K. Pathak, Special P.P. for the Respondent No.1.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th SEPTEMBER, 2015

P.C. :

1 Heard learned counsel for the applicant and the
learned Special PP for the Respondent No.1.

2 By this application, the applicant seeks his
enlargement on bail in connection with R.A. No. 26 of 2015,
which is pending before the learned Additional Chief
Metropolitan Magistrate, 19th Court at Esplanade, Mumbai.

3 On 11th May, 2015, two co-accused viz. Ms. Ranjit
Kaur and Mr. Lalitnarayan R. Yadav were arrested in

connection with the seizure of gold weighing 5148 gms, which was valued at Rs.1,40,54,040/-. It appears that during the course of investigation, the name of the present applicant was revealed and that it was found that the present applicant was the owner of the said gold and he had instructed the said persons to carry the same. Pursuant to which, the applicant came to be arrested on 4th August, 2015 and produced before the trial court on 5th August, 2015.

4 Learned Counsel for the applicant states that both the co-accused viz. Ms. Ranjit Kaur and Lalitnarayan Ramawad Yadav were enlarged on bail by the trial court on 15th May, 2015. He submits that subsequently, according to the Intelligence Officer, Customs, AIU, two other co-accused in R.A. No. 7 of 2015 i.e. Kirankumar Chhotobhai Choudhari and Rohan Surve, who were arrested in connection with the gold, weighing 6080 gms, valued at Rs. 1,50,95,953/-, had also named the present applicant, as the owner of the said gold. He submits that the applicant has been in the custody since his arrest on 4th August, 2015.

5 Learned Special Public Prosecutor has tendered the affidavit-in-reply of Dr. Kiran Kumar Karlapu, the Assistant Commissioner of Customs to the bail application. According to the learned Special PP, the applicant has used his Tour Company, M/s. Suryakiran Tour for smuggling activities. He

submits that the further custody of the applicant is required to find out who else is involved in the smuggling activities. He submits that the applicant, being influential, is likely to destroy the evidence as against him. Admittedly, the other co-accused who have carried the gold, have been enlarged on bail. Similarly, two other accused who were the carriers of gold in R.A. No.7 of 2015 have also been enlarged on bail. The applicant has been in custody since 4th August, 2015. So far as the apprehension of the prosecutor, that the applicant will abscond or try to tamper with the evidence is concerned, the same can be taken care of by imposing appropriate conditions.

6 Considering the nature of allegations, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be initially enlarged on provisional cash bail in the sum of Rs.3,00,000/- for a period of four weeks and, within which period, he shall furnish P.R. Bond in the sum of Rs.3,00,000/- with one or two sureties in the like amount ;

- (ii) The applicant shall surrender his passport, prior to his release, with the Intelligence Officer, Customs, AIU, Andheri (E), Mumbai.
- (iii) The applicant shall not leave the country without prior permission of the trial court.
- (iv) The applicant shall attend the office of the Intelligence Officer, Customs AIU, on Monday and Thursday from 11 a.m. to 12 noon for a period of six weeks and thereafter, as and when called.
- (v) The applicant shall co-operate in the investigation.

7 If there is a breach of any of the aforesaid conditions, the prosecution will be at liberty to seek cancellation of the applicants' bail.

8 The application stands disposed of accordingly.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

*Certified to be true and correct copy of the original
signed order.*
