

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1578 OF 2016

Mr. Jitendra Narsinh Ved

... Applicant

Vs.

Intelligence Officer Air Preventive
Unit & Anr.

... Respondents

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Mr. A.M. Sachwani i/e. Mr. P.S. Hingorani for the applicant.

Mr. R.K.Pathak a/w. Mr. Jagdish Tambe, Spl. PP for respondent
no.1.

Ms. R.M. Gadhvi, APP for respondent-State.

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CORAM : N. W. SAMBRE, J.

DATE : 29th November 2016

P.C.

1. The applicant is seeking pre-arrest bail in Custom File No. SD/INT/APU/01/2016-17 for offences punishable under Sections 132, 135 (1) (a), 135 (1) (b) read with 135 (1) (i) of the Customs Act, 1962.

2. It is the case of the present applicant that the main accused-African, from whom the smuggled gold was seized, has called the present applicant, which has formed the base of his implication in the crime in question.

3. According to the applicant, he is in the business of exporting medicine and garments to African countries and as such, certain material, which is in the form of garments and which has been found in his office cannot be considered to be the material so as to infer *prima facie* involvement of the applicant in the crime in question.

4. Learned counsel then would urge that if directed, the applicant is available and shall co-operate the investigation and as such, his custody is not required.

5. Learned special counsel, while opposing the claim, has invited my attention to the other material which is seized from the office of the present applicant, such as gold testing slips and weighing machine, etc. The other material which is seized from the applicant's office was similar to the ones seized from the other accused Teddy Mutuma Muthee who is already in the custody.

6. Having given my thoughts to the submissions made, the material on record and the investigation papers as produced, *prima facie* inference cannot be drawn about the involvement of the

applicant in the crime in question.

7. Learned Sessions Judge has already dealt with the issue in detail. The other material found from the custody of the office of present applicant i.e. 32 stitched knee caps and 5 cotton cloth laundry bags alongwith weighing slips and testing slips of gold is sufficient to infer the involvement of the applicant in the crime in question. Particularly, the African, the main accused was in touch with the present applicant. Hence, no case is made out. The Application is therefore, rejected.

8. Learned counsel for the applicant, at this stage, upon instructions, submits that the applicant shall surrender with the competent authority on 05.12.2016. Upon surrender, the claim of the applicant be dealt with in accordance with law expeditiously.

(N. W. SAMBRE, J.)