

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 135 of Customs Act in connection with F.No.DRI/CZU/TTN/VIII/48/12/INT-01/2015 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard Mr.B.Kumar, learned Senior Counsel for the petitioner as well as Mr.N.P.Kumar, learned Special Public Prosecutor [DRI cases] for the respondent.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner is not connected with the alleged offence. According to the petitioner, he is a graduate in B.Tech., (Computer Science) and thereafter, he has completed his post graduation in England and then, he was employed in England in Shell Company (UK). Due to family circumstances, he came back to India in 2014 and since then, he is looking after the prawn culture, which belongs to his father, at Muthupet. Based on the confession statement of co-accused, the petitioner has been falsely implicated in this case.

4. The case of the prosecution is that on 28.10.2015, the respondent found two persons viz., M.Karthikeyan and Shri A.Sheik Fareed transporting 15 kgs of smuggled gold bars in a Tata Vista car bearing Registration No.TN-47-AD-7027 at Pulavankadu in Pattukottai-Tahnjavur Highways. Both persons admitted that the smuggled gold was received from Raj and they have to be hand over to one Karthi, who was sent by Sidiq. Based on the information given by both persons, Sidiq was located and examined on 24.03.2016. He has given a confession statement that he had the knowledge about gold smuggling business done by the petitioner, Karthi, Mansoor Ali [Cousin brother of Ibrahim] and Ibrahim is the driver of the petitioner, who was introduced by Sidiq.

5. Learned Special Public Prosecutor would contend that summons have been issued to the petitioner on 18.04.2016 and that it has been returned 'unclaimed' and thereafter, the respondent once again issued summons on 02.05.2016 to the petitioner for his appearance on or before 09.05.2016.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of **fifteen (15) days** from the date of receipt of a copy of this order, **before the Chief Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[b] the respondent shall conduct the enquiry at least once in three days, till the issue attains finality and the petitioner to appear on all hearings.

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

[d] the petitioner shall not abscond either during investigation or trial;

[e] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law, as if the 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)AIR SCW 5560]**.

