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

ANTICIPATORY BAIL APPLICATION NO. 7 OF 2018

Jodharam Joetaram Choudhary

..Applicant

Vs

1] Directorate of Revenue Intelligence

2] The State of Maharashtra

..Respondents

Mr. M.K. Kocharekar a/w Smt. Sonal Parab i/b Rajeev Sawant & Associates
for Applicant.

Mr. Natarajan, Special PP for Respondent No.1.

Ms. J.S. Lohokare, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 20th FEBRUARY 2018.

P.C.:

1] By an Order dated 12th January 2018, the applicant was granted interim relief.

2] Heard the learned Counsel for the applicant, the learned Special PP and the learned APP. Perused the record of investigation.

3] The record indicates that, in pursuance of Order dated 12.1.2018 the applicant has attended the Investigating Officer and joined the process of investigation. It is the contention of the learned Special PP

that, though the applicant had attended the Investigating Officer, he kept mum and did not co-operate in the process of investigation thereby did not divulge the names of the members of his syndicate. He further submitted that, the applicant has not confessed his guilt till today and therefore his custody is necessary. The said contention is recorded only for its rejection at its threshold for the simple and plain reason that the law of our land permits an accused to keep silence and it is for the Investigating Agency to prove the guilt of the accused person. This principle is well established and cherished in our system.

4] The record indicates that, the computers and other electronics gadgets have already been seized by the Investigating Agency.

The reply filed by the Revenue Authority before the Sessions Court clearly indicates that the Investigating Agency has already recorded statements of other accused under Section 108 of the Customs Act wherein the involvement of the applicant has come on record.

5] After taking into consideration the peculiar facts of the present case and after perusing the record of investigation, this Court is of the view that the custodial interrogation of the applicant for further investigation of the present crime is not necessary.

6] In view thereof, interim relief granted by Order dated 12th January 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)