



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court
(Criminal Jurisdiction)

Tuesday, the Eleventh day of September Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.16136 of 2018

1 MAGESWARAN

2 SURESH

... PETITIONERS / ACCUSED NOS.12 & 13

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

CBI/ACB/SPE, MADURAI.

R.C.NO.229/2018 A 001

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.SELVENDRAN Advocate

For Respondent : Mr.N.NAGENDRAN,

Special Public Prosecutor for CBI Cases

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 05.08.2018 for the offence punishable under Section 120(B) IPC r/w Sections 7, 7A, 8 & 12 of Prevention of Corruption Act, 1988, in R.C.No.229 of 2018 A 001 on the file of the respondent police. They seek bail.

2.The case of the prosecution is that on 05.08.2018 at 17 hours, a joint surprise check was conducted at Trichy International Airport Customs Division and they came to know that one Thamayanthi / 8th accused came out from the Airport with goods and gold without paying customs duty along with other smugglers and she paid a sum of Rs.70,000/- (Rupees Seventy Thousand Only) to the customs officials to release her goods without paying duty and also came to know that one Murugesh / 7th accused collected illegal gratification on behalf of the customs officials from other persons and handed over the amount to one Prasanth / 5th accused and the list of members handed over to one Venkatesulu / first accused and the



amount was kept in the safe box of Shri Fredy / 6th accused to the tune of Rs.9,04,000/- (Rupees Nine Lakhs and Four Thousand Only) collected from the passengers as a bribe amount to allow other accused to take away the goods without paying the customs duty and thereby they committed the above alleged offence. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned counsel appearing for the petitioners would submit that since the petitioners herein are Srilankans, they were denied by the District Court and except the petitioners herein, all other accused were enlarged on bail. He further submitted that they undertake to execute the surety of the sister of the first petitioner and her husband, who are residing at Kovilpatti, Thoothukudi District. As far as the second petitioner is concerned, he is having friends in Madurai and they are ready to give surety to the second petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that though their passports seized by the respondent, they are being Srilankans on several modes can go to Srilanka. Therefore, he vehemently opposed the bail application.

6. It seems that based on the confession of the 8th accused, co-passengers namely, the petitioners herein arrayed as the accused 12 and 13 and they have paid a sum of Rs.11,000/- (Rupees Eleven Thousand Only) as bribe amount to the custom officials to smuggle the goods of liquor bottles and Cigarette pockets. Further, the allegation as against the accused persons is that they have offered bribe to the customs officials to take away the goods without paying customs duty. Further they have incarcerated in prison from 05.08.2018.

7. Considering the above facts and circumstances and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:-

(i) the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, namely, Vijayalakshmi, W/o. V. Shevugan and Thangaraj, S/o. Veeramalai and the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, namely, R. Santhanakrishnan, S/o. Ramachandran and A. Mohammed Salishu, S/o. Ahamed Miran for a like sum to the satisfaction of the learned II Additional District and Sessions Judge (Special Judge for CBI Cases), Madurai;



(ii) the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

sd/-
11/09/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE
(SPECIAL JUDGE FOR CBI CASES),
MADURAI.

2 THE INSPECTOR OF POLICE,
CBI/ACB/SPE, MADURAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,
MADURAI.

+1. CC to M/S.A.SELVENDRAN Advocate SR.No.17320

ORDER
IN
CRL OP(MD) No.16136 of 2018
Date :11/09/2018

JM/VR MMS/SAR 4/11.09.2018/3P/6C