



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24523 of 2021

ARUNKUMAR

[PETITIONER / ACCUSED]

Vs

THE SENIOR INTELLIGENCE OFFICER
DIRECTORATE OF REVENUE INTELLIGENCE,
T.NAGAR, CHENNAI 600 017
(CRIME NO.36/2021)

[RESPONDENT]

For Petitioner : M/S V.S.VENKATESH Advocate

For Respondent : M/S.N.P.KUMAR, Special Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 22.10.2021 for the offences under Sections 112 and 135 of the Customs Act, in R.R.No.36 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.10.2021, the respondent police officials based on secret information went to the office of the petitioner and took the petitioner for conducting search on the consignment which was held for non-payment of customs duty at NS-1, Import Shed, Air Cargo Complex, Meenambakkam, Chennai. On search it was found that the consignment contained gold for which no proper customs duty was paid. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that the petitioner is only a Custom House Agent and he had acted as per the instructions of the customer and that he had no knowledge about the concealment of gold in the consignment imported and that he has been suffering incarceration for more than 50 days from 22.10.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Special Public Prosecutor would raise strong objection stating that the petitioner had entered into a criminal conspiracy with one Akbar Ali to smuggle gold bars from Malaysia into India through Air Cargo by concealing the same inside the imported goods by a non-existing company called M/s. Lotus Castle Exports Pvt Ltd., Further he would submit that summons dated 27.10.2021 were issued to both the Directors (Shri Amjath Khan and Shri Seeni Haja Mohamed) of the said company requesting their appearance on 03.11.2021 and further summon dated 16.11.2021 has been issued to Shri Amjath Khan requesting his appearance on 18.11.2021 were not respondent to. He would submit that still the investigation is going on with regard to verification of the whereabouts of the importer company viz., M/s. Lotus Castle Exports Pvt Ltd.

5. It is seen that still the Investigating Agency is conducting investigation with regard to the importer particulars. Hence, if the petitioner is released on bail, he may abscond and the valuable informations could not be obtained and thereby, the investigation would be stalled. In view of the above and on seeing the grave nature of allegations levelled against the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
16/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE SENIOR INTELLIGENCE OFFICER
DIRECTORATE OF REVENUE INTELLIGENCE,
T.NAGAR, CHENNAI 600017.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

CC to M/S V.S.VENKATESH Advocate on payment of necessary charges

CRL OP.24523/2021

Date :16/12/2021

RW 30/12/2021