



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24981 of 2021

SARAVANAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

THE SENIOR INTELLIGENCE OFFICER,
DIRECTORATE OF REVENUE INTELLIGENCE,
NO.27, G.N.CHETTY ROAD,
T.NAGAR, CHENNAI-17
F.NO.DRI/CZU/VIII/48/ENQ-01/NT-15/2021

For Petitioner : M/S.R.SANKARASUBBU Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

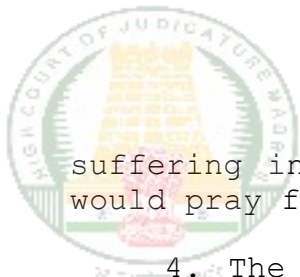
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 23.08.2021 for the offences under Section 132 and 135 of the customs Act, 1962 in R.R. No.39 of 2021 in F.No. DRI/CZU/VIII/48/ENQ-01/NT - 15/2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally smuggled 9 Kgs of foreign Gold . Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner was remanded to judicial Custody in crime No. 437 of 2021, later, statutory bail was granted to the petitioner in the above crime number, On the same day, the petitioner was arrested by the respondent herein in connection with this case. The learned counsel for the petitioner submits that petitioner cannot be detained in custody for more than the statutory period. In support of his contentions, he relied upon a decision of the Hon'ble Supreme Court in **Pradeep Ram Vs The State of Jharkhand and another, dated 01.07.2019.** He was falsely implicated in this case and he was



suffering incarceration for more than 60 days from 20.10.2021. He would pray for grant of bail to the petitioner.

4. The learned Government Advocated (Crl.side) raised objection stating that petitioner has smuggled 9 Kgs of foreign gold worth about a sum of Rs.4 Crores and he further submits that the main accused is still absconding and he further submits that the Judgment relied upon by the petitioner counsel is not applicable to the Customs case. Hence, he vehemently opposed the grant of bail.

5. Heard both sides.

6. Considering the facts and circumstances of the case and also the fact that the petitioner was not arrested for the offence under IPC, he was arrested under Section 104 (6) of the Custom Act, 1962 and one more accused is yet to be secured, which needs detailed investigation. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
20/12/2021

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,
NO.27, G.N.CHETTY ROAD,
T.NAGAR, CHENNAI-17

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI-II, CHENNAI.

CC to M/S.R.SANKARASUBBU Advocate on payment of necessary charges

CRL OP.24981/2021
Date :20/12/2021

TA-05/01/2022