



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.11502 of 2022

D.GOPINATHAN

[PETITIONER / ACCUSED]

Vs

SENIOR INTELLIGENCE OFFICER [RESPONDENT]
DIRECTORATE OF REVENUE INTELLIGENCE
27,G.N CHETTY ROAD,T.NAGAR,
CHENNAI-600 017
F.NO.DRI/CZU/VIII/48
ENQ-01/INT-03-2022

For Petitioner : M/S.G.MANIPRABHU 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/A2, who was arrested and remanded to judicial custody on 27.04.2022 for the offence punishable under Sections 112, 114AA, 132 and 135 of the Customs Act, 1962 in R.R.No.10 of 2022 on the file of Additional Metropolitan Magistrate(EO-I), Egmore, Chennai in respect of F.No.DRI/CZU/VIII/48/ENQ-01/INT-03/2022 on the file of the respondent, seeks bail.

2. The case of the prosecution is that a consignment imported in the name of M/s.Yashika Enterprises covered under Airway Bill Number 61846961806 dated 22.01.222 and declared as Tricraft abrasives grinding wheels was examined by the officers of Air Cargo Customs and the officers of the respondent. The said goods had arrived from Singapore through Singapore Airlines and it was found that 6 numbers of origin gold bars weighing around 6000 grams concealed in the above consignment valued at Rs.2,97,24,000/-. Further it is alleged that foreign origin gold bars were smuggled into India without declaration to customs and in order to evade payment of customs duty. On the said allegation, the petitioner was called for enquiry. During enquiry, after recording his statement, he was arrested and remanded to judicial custody on 27.04.2022.



3. Mr.B.Kumar, Senior Counsel appearing for the petitioner submitted that the Bill of Entry is the primary document, wherein declaration about the contents of the goods is given. Whereas, in the case on hand, no Bill of Entry was entered and as such no declaration was given and no offence is made out under the Customs Act. The Bill of Entry is to be filed as per Section 46(1) and Section 46(4) of the Customs Act. In the event of no declaration is filed, the Customs Authorities, under Section 48 of the Customs Act, to impound the goods available and thereafter only, Section 135 of the Customs Act would come to play.

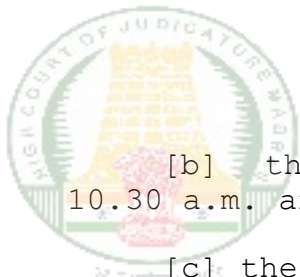
4. Mr.N.P.Kumar, Special Public Prosecutor appearing for the respondent filed a counter and submitted that the petitioner was called for enquiry on several occasions and he was examined on 24.01.2022 and his statement was recorded under Section 108 of the Customs Act, 1962. On his confession statement, he was arrested and remanded to judicial custody. He committed a very serious offence affecting the economy of this country. The investigation is still pending and it is in the process of unearthing further corroborative evidences against the petitioner with regard to his role in the past imports not only through IEC.

5. When this Court heard the petition and passed an order on 25.05.2022 observed that one Nagoor Gani had imported the goods from Singapore through Azharudeen. Master of Azharudeen, namely Saleem, had interacted with Gani and imported the goods. Further, in the enquiry revealed that it was not the first occasion and earlier 12 to 14 occasions, the same mode of transactions had been followed. In the event of the petitioner being let out on bail, there are chances of Saleem and other accused persons escaping from the clutches of law. Further, the learned Special Public Prosecutor submitted that so far, the said Saleem is not yet secured. That apart, the petitioner was arrested and remanded to judicial custody on 27.04.2022 and admittedly, the Bill of Entry was not made.

6. Considering the facts and circumstances of the case and also considering the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Additional Chief Metropolitan Magistrate (E.O .I), Egmore, Chennai and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



[b] the petitioner shall report before the respondent daily at 10.30 a.m. and 5.30 p.m, until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

06/06/2022

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 ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE(E.O.I),
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE,
CHENNAI (FOR INFORMATION)

3 SENIOR INTELLIGENCE OFFICER
DIRECTORATE OF REVENUE INTELLIGENCE
27,G.N CHETTY ROAD,
T.NAGAR,CHENNAI-600 017.



4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE SPECIAL PUBLIC
PROSECUTOR, HIGH COURT,
MADRAS.

CC to M/S.G.MANIPRABHU Advocate on payment of necessary charges
Sr.8479

CRL OP.11502/2022

Date :06/06/2022

RVR 06/06/2022