



CrI.O.P.No.17266 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.17266 of 2022

J.Shanmugavel

... Petitioner

Vs.

The State rep. by its
The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
No.27, G.N.Chetty Street,
T.Nagar, Chennai.
(R.R.No.14 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in R.R.No.14 of 2022 on the file of the respondent.

For Petitioner : Mr.M.R.Jothimanian
For Mr.G.Punniakoti

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor for DRI cases



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.06.2022 for the offence under Section 135 of Customs Act, in R.R.No.14 of 2022 in F.No.DRI/CZU/VIII/48/ENQ-01/INT-32/2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the goods imported by one M/s. Shimla Fruit Agency by declaring as unflavoured supari contained in two containers weighing about 34 metric tones to the value of Rs.1,31,64,963/-, which was permitted to be moved from M/s. Sattva CFS & Logistics Pvt Ltd., to be stored in M/s.Sapthagiri Logistics Bonded Warehouse under the provisions of Section 49 of Customs Act, has been planned to be taken illegally to M/s. Sakthi Warehouse Corporation for removing the imported goods clandestinely and in its place to substitute with saw dust. It is alleged that the petitioner and other accused substituted the goods would get bonded in the above said bonded warehouse as per records and that they clandestinely removed the imported goods without the payment of customs duty were planned



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to be diverted to Nagpur. Immediately, the respondent caught the petitioner red handed for the activity of such clandestine removal of the imported goods and both the containers were seized and detained by the respondent herein.. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an agent and he has not committed any offence as alleged by the prosecution. He further submitted that this Court granted anticipatory bail to the co-accused in Crl.O.P.No. 16291 of 2022 by an order dated 27.07.2022 with certain conditions. That apart, the petitioner is arrested and remanded to judicial custody on 27.06.2022 and therefore, he prayed for grant of bail to the petitioner.

4. The learned Special Public Prosecutor (for DRI) appearing for respondent filed counter and submitted that the petitioner herein received an amount Rs.10,00,000/- from the first accused towards his commission and for the expenses of loading and unloading charges of saw dust, transport charges,etc. The petitioner was aware that loading, unloading



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and clandestinely removing of the imported goods without payment of fine and duty. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner is only an agent and the first accused in this case was granted anticipatory bail by this Court. Considering the facts and circumstances of the case and also considering the period of incarceration by the petitioner from the date of his arrest viz., 27.06.2022, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, 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 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



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.

27.07.2022

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G.K.ILANTHIRAIYAN, J.

rts

To

1. The Additional Chief Metropolitan
Magistrate (E.O.I),
Egmore, Chennai.
2. The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
No.27, G.N.Chetty Street,
T.Nagar, Chennai.
- 3.The Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras
Chennai.

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