



Crl.OP.No.20976 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

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

Crl.OP.No.20976 of 2022

Shri.D.Ramkumar

...Petitioner

Vs.

State by
Union India
Rep. by Senior Intelligence Officer,
Directorate of Revenue Intelligence,
No.27, G.N.Chetty Road, T.Nagar,
Chennai-600 017.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in R.R.No.15 of 2022 in F.No.DR1/CZU/VIII/48/ENQ-01/INT-01/2022 on the file of the respondent.

For Petitioner :Mr.V.Sambamurthy

For Respondent :Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.07.2022 for the offences punishable under Sections 132 & 135 of Customs Act, 1962 in R.R.No.15 of 2022 in F.No.DR1/CZU/VIII/48/ENQ-01/INT-01/2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent received information about the cargo located in the M/s.Ennore Cargo container terminal Pvt. Ltd. (CFS), Chennai and found the cigarettes of foreign origin smuggled into India in the guise of declared cargo viz. cleaning cotton rags fully mutilated form in the imported consignment covered under bill of entry No.7079565 filed on 14.01.2022 in the name of M/s.Shri. Munusamy. On examination of the said container resulted in the recovery of 25,20,000/- sticks of foreign origin "Gold Flake" Cigarettes from 252 number of cotton boxes. Therefore the respondent issued summons to the concern persons participated with regard to the process of clearance of bill and based on their statements, the petitioner was arrested by the respondent.



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3. The learned counsel for the petitioner submitted that the petitioner was involved in the case only on the statements of the persons, who participated in the process of clearance of bill and he was arrested on 05.07.2022. Hence, he seeks for bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that, now the investigation has been completed and on the contravention, the petitioner was issued show cause notice. Hence, he opposed for grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration suffered by the petitioner from the date of his arrest i.e., 05.07.2022, this Court is inclined to grant bail to the petitioner.

6. 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 sureties, each for a like sum to the satisfaction of the learned Additional Chief Metropolitan Magistrate, (Economic Offence) Egmore,



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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 police twice daily at 10.30 a.m. and 5.30 p.m., for a period of three 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Additional Chief Metropolitan
Magistrate, (Economic Offence) Egmore, Chennai.
2. The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
No.27, G.N.Chetty Road, T.Nagar,
Chennai-600 017.
3. The Superintendent,
Central Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.



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