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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.2169 of 2023

D.Saravanan ... Petitioner

Vs.

State represented by
the Senior Intelligence Officer
Directorate of Revenue Intelligence,
Chennai Zonal Unit
Chennai – 600 017.
(R.R. No.30 of 2022). ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail pending in R.R.No.30 of 2022 pending investigation on the file of the respondent.

For Petitioner : Mr.T.Padmanabhan

For Respondent : Mr.P.Vishnu
Special Public Prosecutor

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O R D E R

The petitioner, who was arrested on 14.12.2022 and remanded to judicial custody on 14.12.2022 for the offences punishable under Sections 135 of Customs Act, 1962 in R.R.No.30 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information about smuggling of gold from Muscat to Chennai, the respondent has intercepted the passengers and verified them, during which, the accused were in possession of 20 kilograms of cylindrical shaped yellow colour metal pieces concealed in electronic goods. Also 6000 grams of gold were found in the abandoned trolley bag. The total value of the gold attempted to be smuggled was Rs.14 Crores. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is no way connected with the alleged occurrence and he also stated that the petitioner was not aware of the

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gold concealed and he unknowingly carried the same. He also stated that the house of the petitioner was also searched by the respondent wherein, no material was found as against the petitioner. He further stated that for the sake of money he had carried them even without knowing the fact that the gold has been concealed in his goods.

4. Learned counsel further submitted that the petitioner is in custody from 14.12.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. He further submitted that this Court already granted bail to the co-accused in Crl.OP.No.740 of 2023 dated 23.01.2023 and hence, he prayed to grant bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with the other accused were involved in smuggling of gold concealed in the electronic goods from Muscat to Chennai. He further submitted that the worth the gold smuggled by the accused is about Rs.14 Crores. Hence, he vehemently opposed to grant bail to the petitioner.

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6. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 sureties** (out of which, one must be a blood related surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Additional Chief Metropolitan Magistrate (E.O.I), Egmore, Chennai – 600 008,** 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;

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[b] the petitioner shall report before the respondent Police on every Monday and Friday at 10.30 a.m., for a period of three months 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.

01.02.2023

Vv

T.V.THAMILSELVI,J.

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Vv

To

1. The Additional Chief Metropolitan Magistrate (E.O.I),
   Egmore, Chennai – 600 008

2. The Senior Intelligence Officer,
   Directorate of Revenue Intelligence,
   27, G.N.Chetty Road, T.Nagar,
   Chennai – 600 017.

3. The Central Prison,
   Puzhal.

4. The Public Prosecutor,
   High Court of Madras.

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