



Crl.O.P.No.8647 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 380 of IPC, in Crime No. 26 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sathish Kumar is that he is carrying Shipping Agent / Clearing Service at Chennai Port. The petitioners approached the defacto complainant for custom clearance for their medicine goods which has come from China and the said goods were transported from Chennai Port through Container and during shifting from container, the defacto complainant company found there was tampering of seal in container and on verification, it was found that there theft of good valued to the tune of Rs.48 lakhs. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that some of the accused has been arrested and the petitioner has been implicated in this case based on the



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confession recorded from the arrested accused and thereby he would seek for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that this is the case where the second petitioner has been arrested. He would further submit that the first petitioner who acted as a master mind committed theft from the container. He further submit that the petitioner along with other accused persons have committed theft to the tune of Rs. 48 lakhs worth of chemical raw materials intended for export abroad in the container. He would further submits that from the arrested accused only Rs. 19 lakhs worth of the raw materials have been recovered and the other materials worth about Rs.29 lakhs has to be seized. He would further submit that the custodial interrogation of the petitioner is very much required for the recovery of the contraband and thereby he opposed for the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides and also taking note of the fact that the custodial interrogation of the petitioner is very much required for the recovery of the contraband, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

05.06.2023

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