



Crl.O.P.No.11335 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11335 of 2023

Abdul Lathif Maskurdeen

... Petitioner

Vs.

The State Represented by,
The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zonal Unit,
No.27, GN Chetty Road,
Chennai – 600 017.
(In R.R.No.10 of 2023)

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in R.R.No.10 of 2023 on the file of
the respondent.

For Petitioner : Mr.K.Shivakumar

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.04.2023, in connection with R.R.No.10 of 2023 registered for the offence punishable under Section 135 of Customs Act, 1962, seeks bail.

2. The case of the prosecution is that, the petitioner was arrested by the respondent police at Anna International Airport, Chennai for carrying 1.8 Kgs of gold by hiding the same in knee cup. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody from 12.04.2023. He further submitted that, he is having his eldest daughter's marriage on 11.06.2023. He also submitted that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Special Public Prosecutor appearing for the respondent submitted that petitioner has knowingly concerned himself in smuggling of foreign origin gold. He further submitted that the investigation in the case to trace out the persons associated with the accused is in progress and if the petitioner is enlarged on bail at this stage, it is strongly apprehended that he will establish links with such persons to scuttle the course of investigation. Hence, he opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel on either side and also considering the period of incarceration undergone by the petitioner and also the fact that the petitioner is having his eldest daughter marriage on 11.06.2023, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Additional Chief Metropolitan Magistrate E.O-I at 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 Police on every wednesday at 10.30 a.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



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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.

17.05.2023

gd/arb

To

1. The Additional Chief Metropolitan
Magistrate E.O-I at Egmore, Chennai.
2. The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zonal Unit ,
No.27, GN Chetty Road,
Chennai – 600 017.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN, J.



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