



Crl.O.P.No.12737 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.12737 of 2023

Mohammed Amanullah

... Petitioner

Vs.

Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zonal Unit,
No.27, G.N.Chetty Road,
T.Nagar, Chennai 17.
(Ref.R.R.No.16 of 2023) ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with
R.R.No.16 of 2023, F.No.DRI/CZU/VIII/48/ENQ-01/INT-10/2023, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.I.Abdul Basith

For Respondent : Mr.P.Vishnu
Special Public Prosecutor (DRI)



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rummaging. He further submitted that the petitioner does not claim the ownership of the property and there is no recovery from the petitioner. He also submitted that the petitioner is in custody from 12.05.2023 and that the sureties are also ready to deposit original title deeds of immovable property worth about Rs.25 lakhs to the credit of Crime Number. He submitted that the petitioner has relatives living in India and one Mohamed Hiras, resident of Keelakarai, Ramanathapuram and another Nalla Ibrahim, resident of Ervadi, Ramanathapuram, have offered to stand as surety to him. He further submitted that the passport of the petitioner has also been seized and it is in the custody of the respondent. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and hence, he prayed for grant of bail to the petitioner.

4.Mr.Vishnu, learned Special Public Prosecutor (DRI) appearing for the respondent Police submitted that the petitioner had attempted to smuggle 10062 grams of foreign origin gold in paste form, which is worth about Rs.6 crores and the petitioner had brought the same in black backpack and suspecting that he would be caught by the customs, he had dropped it in the aircraft. He further submitted that while searching the bag, an old



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boarding pass of the petitioner was found inside, thereby, the respondent has fixed the petitioner in this case. He also submitted that the sureties have been verified and their addresses have also been confirmed. However, taking into consideration the quantity involved in this case, 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 Police and perused the materials available on record.

6. Though it is stated that the petitioner had attempted to smuggle huge quantity of foreign origin gold in India and the gold was not recovered from the body of the petitioner or in the baggage of the petitioner and it has been recovered from the flight and based on the old boarding pass available with the petitioner, he has been fixed in this case.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and further two of his relatives have offered to stand as surety to the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. 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 aforesaid sureties**, out of which, one should be either the mother or father of the petitioner, each for a like sum to the satisfaction of the **learned Additional Chief Metropolitan Magistrate (E.O.II), Egmore**, 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 sureties are jointly directed to deposit the original title deeds of an immovable property not less than the value of Rs.25 lakhs (which stands in their names or their relatives or their friends) to the credit of R.R.No.16 of 2023, at the time of furnishing the sureties;**

[c] **the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;**

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[f] 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]***;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

26.06.2023

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To

1. The Additional Chief Metropolitan Magistrate (E.O.II),
Egmore, Chennai.
2. Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zonal Unit,
No.27, G.N.Chetty Road, T.Nagar, Chennai 17.
3. The Central Prison, Puzhal.
4. The Public Prosecutor, High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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