



Crl.O.P.No.12931 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

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

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Shri Santhosh RV

... Petitioner

Vs.

The State represented by its,
Directorate of Revenue Intelligence,
Chennai Zonal Unit,
Represented by its Senior Intelligence Officer,
No.27, GN Chetty Road, T.Nagar,
Chennai – 600 017.
(R.R.No.13 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail concerned in R.R.No.13 of 2023
pending investigation on the file of the respondent.

For Petitioner : Mr.J.Elanjchezhin

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 03.05.2023 for the offences punishable under **Sections 132 & 135 of the Customs Act, 1962**, in R.R.No.13 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally imported goods namely 1,60,000 Nos. of E-Cigarettes (Mya 1100 mh E-hookah pen), 40,000 Nos. of Digital Watches (Wrist Band Model), assorted varieties of toys valued at Rs.9,33,40,000/-, concealed in the cover cargo having description as “tooth brush, storage box, hook, air pump etc” valued at Rs.63,33,000/-. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he had no knowledge about the alleged goods and that the petitioner has been languishing in jail for more than 40 days from 03.05.2023. He further submitted that the entire cargo has been seized by the respondent and the petitioner is facing adjudication proceedings and thereby, the further custody of the petitioner may not be required. He further submitted that the petitioner in order to show his bonafide, is ready



and willing to deposit the original title deeds of immovable property worth about Rs.75 lakhs to the credit of this case. Hence, he prayed for grant of bail to the petitioner.

4. The learned Special Public Prosecutor for DRI, vehemently opposed for grant of bail to the petitioner stating that the petitioner had by false declaration stating that the goods are tooth brush, storage box, hook, air pump etc., had illegally imported prohibited goods such as E-Cigarettes (Mya 1100 mh E-hookah pen), Digital Watches (Wrist Band Model), assorted varieties of toys valued at Rs.9,33,40,000/- and that the petitioner had not disclosed the source of Bill of Lading with intention to cheat the Government.

5. The respondent has filed a detailed counter.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR and the counter.



7. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to **deposit original title deeds of immovable property standing either in the name petitioner or relatives/friends, worth about Rs.75 lakhs, to the credit of R.R.No.13 of 2023 and** on such deposit, 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**, each for a like sum to the satisfaction of the **learned Additional Chief Metropolitan Magistrate, Economic Offences – 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 petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders;

[c] the petitioner shall not abscond either during



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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 petitioners 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 Offences – II, Egmore.
2. The Directorate of Revenue Intelligence,
Chennai Zonal Unit,
Represented by its Senior Intelligence Officer,
No.27, GN Chetty Road, T.Nagar,
Chennai – 600 017.
3. The Central Prison,
Puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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