



CrI.O.P.No.13786 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

CrI.O.P.No.13786 of 2023

Prathapan B @ Prathap

... Petitioner

Vs.

The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zonal Unit,
No.27, G.N.Chetty Road,
T.Nagar,
Chennai – 600 017.
R.R. No.14 of 2023

... Respondent

Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail concerned in R.R. No.14 of 2023
pending investigation on the file of the respondent.

For Petitioner : Mr.Thiyagarajan B

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



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CrI.O.P.No.13786 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.05.2023, for the offences punishable under Sections 132 and 135 of the Customs Act 1962 in R.R.No.14 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 appearing 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 05.05.2023. He further submitted other than being the



CrI.O.P.No.13786 of 2023

employee of A1, the petitioner has not committed any offence as alleged by the prosecution. He further submit that the petitioner has acted as per the direction of the first accused. He further submit that the main accused in this case has been granted bail by this Court in CrI.OP.No.12931 of 2023 dated 14.06.2023 and he is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Special Public Prosecutor for DRI, vehemently opposed for grant of bail to the petitioner stating that the petitioner is the main accused, he along with other accused 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 the intention to cheat the Government.



Cr.L.O.P.No.13786 of 2023

6. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for DRI Cases, 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 the original title deeds of immovable property standing either in the name of the petitioner or relatives/friends worth about Rs.25 lakhs to the credit of R.R.No.14 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, Chennai and on further conditions that:**



CrI.O.P.No.13786 of 2023

[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 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.

19.06.2023

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5/7



CrI.O.P.No.13786 of 2023

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To

1. The Additional Chief Metropolitan Magistrate
Economic Offences – II, Egmore, Chennai.
2. The Directorate of Revenue Intelligence,
Chennai Zonal Unit,
No.27, G.N.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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CrI.O.P.No.13786 of 2023

A.D.JAGADISH CHANDIRA., J.

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CrI.O.P.No.13786 of 2023

19.06.2023