



Crl.OP(MD)No.15450 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 13/09/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.15450 of 2023

Mohamed Hasan

... Petitioner/ Accused No.2

Vs.

State rep. by
The Inspector of Police,
Air Intelligence Unit,
Customs Airport Police Station,
Trichy District.
(O.R No.73 of 2023)

... Respondent/Complainant

For Petitioner	:	Mr.S.T.Sasidharan TamilKani, Advocate
For Respondent	:	Mr.C.Arul Vadivel @ Sekar Special Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in O.R No.73 of 2023 on the file of the respondent.

ORDER: The Court made the following order:-

The petitioner/A2, who was arrested and remanded to judicial custody, on 23/06/2023 for the offences punishable under sections 112 and 135(1)(b) of Customs Act, in OR No.73 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23/06/2023, DRI officials, Trichy and



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the Intelligence Officers of the Air Intelligence Unit, Trichy, were keeping surveillance over the passengers arrived by Air Asia Flight from Kulalumpur. At that time, two persons namely passengers moved in a suspicious manner. Search was made and they were found in possession of foreign currency of various countries worth about Rs.57,441/- at the Indian Currency Rate and also found in possession of Wild Turtles valued about Rs.27,40,000/-. On the basis of the above occurrence, a case in O.R No.73 of 2023 was registered by the respondent for the offences under sections 112 and 135(1)(b) of Customs Act.

3.The petitioner was arrested and remanded to judicial custody.

4.Heard both sides.

5.This is the second bail application filed on the ground that the petitioner is in custody ever-since from the date of arrest namely 23/06/2023. The earlier application was dismissed on the ground that the first accused namely Habeeb Nashtar is a habitual offender of similar nature. So far as this petitioner is concerned, who is arrayed as A2 the following discussion has been made:-

“6.So this shows that A1 is the habitual offender of the nature of this offence. So far as A2 is concerned, it appears that he was used by A1 for transporting the above said things to India.”

6.Now this petition has been filed by deleting A1. It appears that this petitioner



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is the first offender of this nature for money. The petitioner appears to have helped

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A1 in transporting the above said things.

7.Considering the period of incarceration of the petitioner, this court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on condition that he shall execute 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 Judicial Magistrate No.1, Trichy and on further condition that the petitioner shall appear before the respondent police daily at 10.30 am until further orders.

sd/-

13/09/2023

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13/09/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, AIR INTELLIGENCE UNIT,
CUSTOMS AIRPORT POLICE STATION, TRICHY DISTRICT.



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4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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5 THE SPECIAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-13598[I] dated
13/09/2023)

ORDER
IN

CRL OP(MD) No.15450 of 2023
Date :13/09/2023

RS//SAR-(13.09.2023) 4P 7C
Madurai Bench of Madras High Court is issuing
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