



CRL OP(MD). No.18230 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/10/2023
PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.18230 of 2023

Shahul Hameed Babu John,

... Petitioner/ Accused 3

Vs

The Senior Intelligence Officer DRI,
Direcotrate of Revenue Intelligence (DRI), Trichy.
DRI/CZU/TRY/VIII/48/ENQ.INT - 10/2023.

... Respondent/ Complainant

For Petitioner : M/s.ANANDAKUMAR N,
Advocate.

For Respondent : Mr.ARUL VAIDVELI @ SEKAR,
Special Public Prosecutor

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

PRAYER :- To enlarge the Petitioner on bail in connection with
DRI/CZU/TRY/VIII/48/ENQ.INT - 10/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A3, who was arrested and remanded to judicial custody on
23.08.2023 for the alleged offence punishable under Sections 135(1)(b) of Customs
Act, in No.DRI/CZU/TRY/VIII/48/ENQ-INT-10/ 2023, on the file of the respondent
police, seeks bail.

<https://www.mhc.tr.gov.in/judis>



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2. The case of the prosecution is that on receiving specific information on 23.08.2023, the respondent stopped the bus, where the petitioner and other accused were travelled, and on enquiry A1 and A2 admitted that they were carrying 9 pockets of smuggled gold and the same was handed over to them by the 3rd accused and the same was accepted by the 3rd accused and the value of the smuggling gold is Rs.5,89,65,707/-. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he is in jail from 23.08.2023 and hence, he seeks bail.

4. The learned Special Public Prosecutor appearing for the respondent submitted that on receiving specific information on 23.08.2023, the respondent stopped the bus, where the petitioner and other accused was travelled, and on enquiry A1 and A2 admitted that they were carrying 9 pockets of smuggled gold and the same was handed over to them by the 3rd accused and the same was accepted by the accused and the value of the smuggling gold is Rs.5,89,65,707/-. He would further submit that the amount involved in this crime is very huge and hence, he strongly opposed to grant bail to the petitioner.

5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs.



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CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Trichy and on further conditions that:

(i) the petitioner shall affix his photograph 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.

(ii) the petitioner shall appear before the respondent police once in a week i.e., on every Monday at 10.30 am until further orders.

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

(v) 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].



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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/10/2023

/ TRUE COPY /

17/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4 THE SENIOR INTELLIGENCE OFFICER DRI,
DIRECOTRATE OF REVENUE INTELLIGENCE (DRI), TRICHY.
5 THE SPECIAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-15309[I] dated 17/10/2023)

ORDER IN
CRL OP(MD) No.18230 of 2023
Date :17/10/2023

SA/SAR. /17.10.2023/4P/7C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.