



Crl. O.P. No.15527 of 2024

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WEB C P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 135(1)(a), 135(1)(b) and Section 135(1)(i)(A) of the Customs Act, 1962 in F.No.66 of 2024-INT(AIR) on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that on 08.06.2024, the petitioner herein, who is an employee of Indigo Airlines namely S. Mohammed Barkathullah, serving as Officer-Customer Service alleged to have got gold paste from a smuggler namely Abdulla Komu Jaljahan during transit period at transit area. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent and he has not indulged in any activities as alleged in the F.I.R and he has been falsely implicated in this case by the respondent police. The petitioner has no role in the commission of offence. There is no material to implicate this petitioner in this case. No evidence or documents found under search done by the respondent police. Hence he seeks anticipatory bail.

4.The learned Government Advocate (Criminal Side) would submit



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that on 08.06.2024, one person by name Mohammed Barkathullah working as Officer Customer Service, Indigo Airlines was intercepted, while he was passing through customs office and during the search, totally 36 nos of pouches were found in possession with him weighing 13,538 grams were cut open and found to contain brown colour rubbery spread and on extraction by heating process, four gold ingot weighing 12,622 grams were recovered valued at Rs.8,04,40,698/-. Based on the confession statement of above said Mohammed Barkathullah, it came to know that the petitioner has played an active role in the act of smuggling foreign origin gold. The anticipatory bail application is filed by the petitioner at premature stage. Hence he objected to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that so far, the petitioner is not arrayed as accused in this case and considering the fact that there is no apprehension of arrest and hence question of granting anticipatory bail to the petitioner would not arise, I am declined to grant anticipatory bail to the petitioner.

7. Accordingly, the criminal original petition is dismissed.



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To

1. The Judicial Magistrate, Special Court for Customs, Alandur.
2. The Superintendent of Customs, Customs Air Intelligence Unit (AIU),
Chennai International Airport, Chennai.
3. The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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