



CRL OP(MD). No.14595 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.09.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Segu Sathak
2. Sathik Ali

... Petitioners/ Accused No.1 & 2

Vs

The Senior Intelligence Officer,
Directorate of Revenue Intelligence
Madurai Sub-Regional Unit,
No.13/14, Saraswathi Nathi Street,
Mahatma Gandhi Nagar,
Madurai District.

... Respondent/ Complainant

For Petitioners : Mr.M.Subash Babu
For Respondent : Mr.C.Arul Vadivel @ Sekar
Special Public PRosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER:- For bail in FNO.DRI/CZU/MDU/VIII/48/ENQ-01/INT-05/2024 on the file of the respondent.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on



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10.08.2024 for the offences punishable under Section 135(1)(i)(A) of Customs Act, 1962, in FNO.DRI/CZU/MDU/VIII/48/ENQ-01/INT-05/202, on the file of the respondent, seeks bail.

2.The learned Senior Counsel appearing on behalf of petitioner placing reliance on the judgment of the *Hon'ble Supreme Court of India in Prabir Purkayastha vs. State (NCT of Delhi) in SLP (Crl.)No.42896 of 2023*, would submit that before the arrest, it is mandatory for the respondents to furnish to the arrestee in writing about the about both the grounds of arrest as well as the reasons for arrest. Further placing reliance on Paragraph No.38, he would submit that the Hon'ble Supreme Court of India has categorically explained the meaning of grounds of arrest and the reasons for arrest. Therefore, unless the grounds of arrest i.e., the case against the petitioner and unless the reasons for the arrest i.e., the grounds why it has become necessary for the respondents to arrest the petitioner, are specifically explained to the accused that too in the language known to the petitioner, mere furnishing of the copy of the arrest memo alone would not be enough and in that case, the petitioner was released on bail. Following the said judgment, the learned Single Judge of the Karnataka High Court had also released person on bail on the self same grounds in criminal petition No.5435 of 2024, vide judgment, dated



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05.07.2024, wherein, the Karnataka High Court also had considered all the facts and has deprecated the self same procedure of serving the arrest memo alone and enlarged the petitioner on bail.

3.I have considered the submissions made by the learned Senior Counsel for the petitioner and also the learned Standing Counsel, who made his submissions by furnishing a copy of the arrest memo. The photocopy of the arrest memo is annexed to this order as Annexure-I. It contains in paragraph No.3, which gives the details of the case in detail. It states that on interception, gold items of foreign origin was seized in the form of crude bars and 10 tola bars have been smuggled into India without declaration of the customs authorities and that they have reason to believe that the seized quantity of gold is of foreign origin and the same is liable for confiscation. Therefore, the grounds of arrest is categorically mentioned. As far as the reasons for arrest, paragraph No.2, clearly states that based on the voluntary statements of the accused, it is clear that the accused was engaged in receiving, handling, transporting and attempting to deliver the smuggled goods without declaration of the same to the customs authorities and without payment of the appropriate customs duty. Therefore, it is clear that for the reason that the evidence would disappear and the gold would be further delivered to the persons, is also



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mentioned in the arrest memo. The detailed endorsement made by the petitioner in Tamil in the arrest memo, clearly states that they have explained the reasons for arrest and the fact is also informed to his wife. The endorsement is made in detail by his own handwriting in Tamil. Therefore, leaving open the said contention to be appropriately raised in the appropriate forum, *prima facie* for the consideration of the bail petition, I am of the view that this is not a case, where it can be said that there is a violation of the mandatory procedure. When huge quantity of gold is being seized from the petitioner and the petitioner was arrested only on 10.08.2024 and the further investigation is under the investigation/enquiry in the nascent Stage, I am not inclined to enlarge the petitioner on bail at this stage.

4. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
04/09/2024

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/09/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR



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Encl: Xerox of arrest Memo

TO

1 THE SENIOR INTELLIGENCE OFFICER,
DIRECTORATE OF REVENUE INTELLIGENCE
MADURAI SUB-REGIONAL UNIT,
NO.13/14, SARASWATHI NATHI STREET,
MAHATMA GANDHI NAGAR,
MADURAI DISTRICT.

2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

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Date :04/09/2024

SS/JGB/SAR- /26/09/2024/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023