



CRL OP(MD). No.14726 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

CRL OP(MD). No.14726 of 2024

Arunkumar,

... Petitioner/ Accused
(Rank Not Known)

Vs

Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Tuticorin Regional Unit,
22/14, Celin Garder, Roche Colony, South Beach Road,
Tuticorin-628 001
(F.No. DRI/CZU/TTN/VIII/48/05/INT-01/2024)

... Respondent/Complainant

For Petitioner : M/s. Kannan.C,
Advocate.

For Respondent : Mr.C.Arul Vadivel @ Sekar
Special Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- To enlarge the petitioner on bail in the event of his arrest by the respondent police in F.No. DRI/CZU/TTN/VIII/48/05/INT-01/2024) on the file of the respondents.



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ORDER: The Court made the following order :-

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The petitioner / Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 135(1)(i)(A), 135(1)(i)(B) of Customs Act in F.No. DRI/CZU/ TTN /VIII/48/05/INT-01/2024 on the file of the respondent Police seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor appearing for the respondent Police and perused the materials available on record.

3. The learned Special Public Prosecutor appearing on behalf the respondent authority pointing out to the summons issued under Section 108 of the Customs Act, which is dated 29/8/2024, would submit that only a summon is issued under Section 108 of the Act, when such summons are issued, the Honourable Supreme Court of India in Union of India (UOI) Vs. Padam Narain Aggarwal and others (Manu. SC/4230/2008) has held that it is premature for consideration of anticipatory bail. At the stage, the learned counsel would also brought to the notice of the judgment of this court made in CrI.O.P(MD).No. 6955 of 2022 in Mohammed Azarudeen Vs. the rep. by the Senior Intelligence Officer, Directorate of Revenue Intelligence Cantonment, Trichy, wherein by following the said judgment of the Hon'ble Supreme Court, when summon is issued under Section 108 of the Customs Act, the petitioner has to appear



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for recording of the statement and therefore, the prayer for anticipatory bail was held to be not maintainable.

4. In view thereof, by giving liberty to the petitioner to appear before the respondent pursuant to the summon, dated 29/8/2024, no relief of anticipatory bail can be granted.

5. Accordingly, this Criminal Original Petition is disposed of.

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.

TRP
TO
1 THE SENIOR INTELLIGENCE OFFICER,
DIRECTORATE OF REVENUE INTELLIGENCE,
TUTICORIN REGIONAL UNIT,
22/14, CELIN GARDER, ROCHE COLONY, SOUTH BEACH ROAD,
TUTICORIN-628 001

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

+1 CC to M/s.C.KANNAN, Advocate (SR-10926[I] dated 05/09/2024)



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ORDER
IN
CRL OP(MD) No.14726 of 2024
Date :04/09/2024

SA/SG/SAR. /14.09.2024/4P/4C

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