



CRL OP(MD). No.15397 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15397 of 2024

M.Michael Rayappu

... Petitioner/ Accused

Vs

The Superintendent of Customs,
Central Intelligence Unit,
Trichy District.
OR No.54/2023-24

... Respondent/Complainant

For Petitioner : M/s.Chamundi Bose, Advocate.
For Respondent : Mr.Arul Vadivel @ Sekar,
Special Public Prosecutor for Customs Cases

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

To enlarge the Petitioner/ Accused on bail in the event of his arrest in OR No.54 of 2023-24 pending investigation on the file of the respondent officer.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 135 of the Customs Act, in OR.No.54 of 2023-24, seeks anticipatory bail.



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2. When the matter came up for hearing, Mr. Arul Vadivel @ Sekar, the learned Special Public Prosecutor for Customs Cases would submit that it is only the summons that has been issued to the petitioner in this case.

3. In view of the dictum of the Hon'ble Supreme Court of India in Union of India Vs. Padam Narain Aggarwal reported in 2008 (231) E.L.T 397 (SC), when summons is issued, it is a premature stage for praying or grant of anticipatory bail. The petitioner has to appear before the respondent to record the statement, and the prayer for anticipatory bail is not entertained at this stage.

4. The apprehension which is expressed by the learned counsel for the petitioner is that the petitioner apprehends life threat and the serious harassment at the hands of the respondent.

5. The respondent has only issued summons for recording the statement of the petitioner. Hence, the petitioner is directed to appear before the respondent on 20.09.2024 at 10.30 a.m and on that day, the respondent shall record the statement of the petitioner in accordance with law.

6. with the above observations, the criminal Original Petition stands disposed of.

sd/-

12/09/2024

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18/09/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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DSS
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TO

1 THE SUPERINTENDENT OF CUSTOMS,
CENTRAL INTELLIGENCE UNIT,
TRICHY DISTRICT.

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

ORDER
IN
CRL OP(MD) No.15397 of 2024
Date :12/09/2024

RS//SAR-(18.09.2024) 3P 3C
Madurai Bench of Madras High Court is issuing
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