



CRL OP(MD). No.23115 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.H.Mohammed Nawfal

2.A.Anifa Sahib

... Petitioners/ Accused 1 and 2

Vs

The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Trichy.

... Respondent/ Complainant

For Petitioners : M/s.S.Vijayakumar
Senior Counsel
for Mr.K.Sivabalan

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

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

PRAYER :-

To enlarge the petitioners on bail in connection with the case in F.No.DRI/CZU/TRY/VIII/48/ENQ-01/INT-15/2023 on the file of the respondent.



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ORDER : The Court made the following order :-

The petitioners / accused Nos.1 and 2, who were arrested and remanded to judicial custody on 01.12.2023 for the offence punishable under Section 135(1)(b) of the Customs Act, 1962, in F.No.DRI/CZU/TRY/VIII/48/ENQ-01/INT-15/2023 on the file of the respondent, seek bail.

2. The case of the prosecution is that the respondent Officials received a secret information on 29.11.2023 that the accused 1 and 2 had smuggled the gold into India from Sri Lanka through Nagapattinam coast. The officials, who kept vigil at Thuvakudi Toll plaza, Trichy, intercepted the car and recovered the gold weighing about 7828.800 grams from the accused. Hence, the present case was registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that the petitioners have been falsely implicated in this case and except this case, no previous case is pending against the petitioner. He would further submit that the petitioners are in judicial custody from 01.12.2023. Hence, he prays for bail.

4. The learned Special Public Prosecutor appearing for the respondent would submit that during the course of investigation, the statements under Section 108 of



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the Customs Act, 1962 dated 01.12.2023 were recorded from the petitioners. They have accepted their involvement in the subject seizure in a detailed manner and the same were corroborated by the Whatsapp chats and images voluntarily submitted by the accused. Hence, he prays for dismissal of this petition.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration and the fact that there is no previous case pending against the petitioners, this court is inclined to grant bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Trichy and on further conditions that:

(a) the sureties shall affix their photographs 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;

(b) the petitioners are directed to appear before the respondent daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required;



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(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2024

/ TRUE COPY /

03/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

1. The Judicial Magistrate No.1,

Trichy

<https://www.hmc.tn.gov.in/judis>



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2. Do through the Chief Judicial Magistrate,
Trichy.

3. The Superintendent,
Central Prison,
Trichy District.

4. The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Trichy.

5. The Special Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.AMAL ANTONY, Advocate (SR-56[I] dated 03/01/2024)

ORDER
IN
CRL OP(MD) No.23115 of 2023
Date :03/01/2024

SSA/03.01.2024/5P/7C

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