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Crl.O.P.No.1711 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.1711 of 2025

Rushik Vasant Chande

... Petitioner

Vs.

The State represented by,
The Superintendent / Senior Intelligence Officer (SIIB),
Office of the Principal Commissioner of Customs,
China -III Preventive Commissionerate,
Custom House, No.60, Rajaji Salai,
Chennai - 600 001.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in
R.R.No.29 of 2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Mohammed Rafi

For Respondent : Mr.Vishnu
Special Public Prosecutor (Customs)

ORDER

Petition seeking bail in respect of R.R.No.29 of 2024 registered for the
offences punishable under Sections 132 and 135 of Customs Act, is on board for
consideration.



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2. The incarceration of the petitioner being from 17.12.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner, without understanding the consequences, had imported Pyrotechnic Fireworks, thereby, he is ready to abide by any stringent condition that may be imposed by this Court. He further submits that the petitioner is in custody for more than 40 days and therefore, the further custody of the petitioner may not be required.

3. The case of the prosecution as putforth by Mr.Vishnu, learned Special Public Prosecutor (Customs) appearing for the respondent, vehemently opposing for grant of bail, is that the petitioner/accused, who is the Proprietor of M/s.Shivani Enterprises, had imported Pyrotechnic Fireworks concealing them along with artificial flowers and leaves from China without necessary license. He further submits that the case is under investigation.

4. Having heard the learned counsel for the petitioner, the learned Special Public Prosecutor (Customs) for the respondent Police and perused the materials available on record including the counter filed by the respondent and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the



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petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Additional Chief Metropolitan Magistrate, E.O.I, Egmore Chennai**, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***;



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A.D.JAGADISH CHANDIRA.,J.

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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

29.01.2025

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To

1. The Additional Chief Metropolitan Magistrate, E.O.I,
Egmore, Chennai,
2. The Superintendent / Senior Intelligence Officer (SIIB),
Office of the Principal Commissioner of Customs,
China -III Preventive Commissionerate,
Custom House, No.60, Rajaji Salai,
Chennai - 600 001.
3. The Superintendent,
Central Prison, Puzhal, Chennai – 66 .
4. The Public Prosecutor,
High Court of Madras.

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