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Crl.O.P.No.2900 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.2900 of 2025

Saleem
S/o. Hakeem

....Petitioner/Accused
Rank not known

Vs

The State represent by
Intelligence Officer
Special Intelligence and
Investigation Branch
Office of the Principal Commissioner of
Customs, Chennai-III
Preventive Commissionerate Custom House,
No.60, Rajaji Salai, Chennai 600 001

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with unknown Cr.No. of 2025 in File No. GEN/INV/DR/239/2024-SIIB on the file of the respondent officials.

For Petitioner : Mr.Gopinathan, D.



Crl.O.P.No.2900 of 2025

For Respondent

: Mr. S. Balaji
Government Advocate (Crl. Side)

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ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 135(1) (a) and 135 (1) (b) of the Customs Act, 1961, in unknown Crime number of 2025 in File No. GEN/INV/DR/239/2024-SIIB on the file of the respondent officials, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had imported Electronic Cigarettes, which is prohibited goods and demarked the goods as "Empty Gift Box and Plastic Lunch Box".

3. The learned counsel appearing for the petitioner would submit that the allegations against the petitioner are false; that the petitioner was originally doing business in the name and style of M/s. Fortune Export and Import Limited and that he had not continued the business due to financial crisis and his GST number was used by another person by name Sanjiv Kumar and he also executed a general Power of Attorney in favour of



Crl.O.P.No.2900 of 2025

Sanjiv Kumar. The counsel would further submit that the goods have been seized and that the petitioner has no bad antecedent and considering the fact that he had appeared for enquiry before the respondent, custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent, on instructions, submitted that the petitioner had appeared before the respondent daily from 10.03.2025 to 14.03.2025 at 10.30 a.m.

5. Considering the the nature of allegations against the petitioner and the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Additional Chief Metropolitan Magistrate (EO-I & EO-II) Court, Egmore**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like



sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 everyday at 10:30 a.m., for a period of two weeks and thereafter as an when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court



WEB COPY



Crl.O.P.No.2900 of 2025

himself as laid down by the Hon'ble Supreme Court in
P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

24.03.2025

bga

To

1. The Additional Chief Metropolitan Magistrate (EO-I & EO-II) Court,
Egmore, Chennai.
2. Intelligence Officer
Special Intelligence and
Investigation Branch
Office of the Principal Commissioner of
Customs, Chennai-III
Preventive Commissionerate Custom House,
No.60, Rajaji Salai, Chennai 600 001
3. The Public Prosecutor, High Court, Madras.



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Crl.O.P.No.2900 of 2025

SUNDER MOHAN, J.

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Crl.O.P. No.2900 of 2025

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