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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

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THE HONOURABLE MR. JUSTICE K.RAJASEKAR

CrI.O.P.No.21165 of 2025

Jogi Simon Tholath

... Petitioner

Vs.

The Directorate of Revenue Intelligence
Rep. by its Senior Intelligence Officer,
Chennai Zonal Unit,
No.27, G.N.Chetty Road,
T.Nagar, Chennai – 600 017.

... 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 by the respondent in SCN.No.110/2024-Chennai SEZ & FTWZ – Cus-Pre-CHN, in R.R.No.Not Known of 2025 in File No.GEN/ADJ/COMM/585/2024-FTWZ on the file of respondent.

For Petitioner : Mr.R.Vivekananthan
For Respondent : Mr.P.Vishnu,
Special Public Prosecutor (Customs)

ORDER

The petitioner herein apprehend arrest at the hands of the respondent police for the offences punishable under Section 135 of the Customs Act, in SCN.No.110/20 24-Chennai SEZ & FTWZ – Cus-Pre-CHN, in R.R.No.Not



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Known of 2025 in File No.GEN/ADJ/COMM/585/2024-FTWZ, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the Arecanuts which is a prohibited item was being smuggled by mis-declaring it as Nylon Chips. It is further alleged that the items were shipped in two containers named REGU5086026 and REGU5118606 covered under Warehouse Bill of Entry No.1027640 dated 20.12.2023 filed by M/s.Genid Shipping and Logistics Private Limited – IEC : AAICG0247J, having a warehouse at M/s. J Matadee Free Trade Warehouse Zone Pvt Ltd for a quantum of 93.55 MTs and caused loss of Rs.6 crores by not paying the prescribed duty fee. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is ranked as A8 and in this case, five accused were already arrested and released on bail. He would further submit that the adjudication proceedings were also initiated and the petitioner has also appeared for adjudication proceedings. He would also submit that he is ready to co-operate with the investigation and abide by any stringent condition that may be imposed by this Court.

4. The learned Special Public Prosecutor (Customs) appearing for the respondent would submit that totally there are nine accused in this



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case and five accused were arrested and released on bail. He would further submit that the investigation in this case is pending. He would also submit that there is no previous case pending against the petitioner. Accordingly, he opposed for grant of bail to the petitioner.

5. Heard the learned counsels on either side and perused the materials available on record.

6. I have considered the submissions made on both sides and also perused the records. The fact remains that the five accused in this case have been released on bail, occurrence was taken place in the year 2023, and after investigation show cause notice was issued to the petitioner and he participated in the adjudication proceedings. Therefore, I am of the view that custodial interrogation of the petitioner is not necessary and therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Additional Chief Metropolitan Magistrate Economic Offences-I, Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/-**



(Rupees Twenty Five Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix his photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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

29.10.2025

kmm

To

1. The Additional Chief Metropolitan Magistrate Economic Offences-I,
Egmore, Chennai.

2. The Directorate of Revenue Intelligence
Rep. by its Senior Intelligence Officer,
Chennai Zonal Unit,
No.27, G.N.Chetty Road,
T.Nagar, Chennai – 600 017.

3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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