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Crl.O.P.No.29989 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

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

Crl.O.P.No.29989 of 2024

Balaji

... Petitioner

Vs.

The Directorate of Revenue Intelligence,
Chennai Zonal Unit,
represented by the Senior Intelligence Officer,
No.27, G.N.Chetty Road,
T.Nagar,
Chennai District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in the
event of his arrest in connection with the R.R.No.18 of 2024 in
F.No.DRI/CZU/VIII/48/ENQ-01/INT-23/2024 on the file of the respondent.

For Petitioner : Mr.A.J.Magendiraverman

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor for DRI

ORDER

Apprehending arrest in connection with R.R.No.18 of 2024 in
F.No.DRI/CZU/VIII/48/ENQ-01/INT-23/2024 registered for the offences
punishable under Sections 135 and 135A of Customs Act, the present petition
has been filed seeking anticipatory bail.



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2. The case of the prosecution is that on 10.06.2024, the respondent who is the Directorate of Revenue Intelligence, based on the secret information, intercepted a TATA cage vehicle bearing Reg.No.TN 01 BA 8628 near SICAL CFS and seized the red colored wooden logs appeared to be the red sanders worth about Rs.1,40,36,000/- which were attempted to be illegally exported out of India. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is only a customs clearing agent and he was served with summons to appear for enquiry and subsequently, the petitioner approached this Court and this Court, by an order dated 16.12.2024 directed the petitioner to appear before the respondent for enquiry on all working dates at 10.30 a.m and the petitioner also appeared before the respondent and given statements and the petitioner is ready to co-operate for the investigation.

4. The case of the prosecution as putforth by the learned Special



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Public Prosecutor appearing for the respondent Police is that the petitioner is a customs clearing agent and he had processed the export of illegal consignments. However, he would further submit that the petitioner had responded to the summons and appeared for enquiry as per the directions of the Court.

5. Having heard the learned counsel for the petitioner and the learned Special Public Prosecutor for the respondent and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 of receipt of a copy of this order, before the learned Additional Chief Metropolitan Magistrate, E.O.I, Egmore, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), each 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of one week and thereafter,



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as and when required for investigation;

[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 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 absconds, a fresh FIR can be registered under Section 269 of BNS.

03.01.2025

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To



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1. The Senior Intelligence Officer,
The Directorate of Revenue Intelligence,
Chennai Zonal Unit,
No.27, G.N.Chetty Road,
T.Nagar,
Chennai District.

2. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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