



CRL OP NO. 30678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30678 of 2024

1. Mohammad Umar Shamsi
S/o.Mohammad Ateeq Shamsi, Near Maidan Wali Masjid,
No.111/F-6, Rafatpura, Moradabad-244001 Uttar Pradesh.

2.Mohd Farhan,
S/o. Mohd Saleem,
No.112, Shahzadi Mandi,
Agra – 282001, Uttar Pradesh.

petitioners(s)

Vs.

The Superintendent of Customs,
Prosecution (Sea), Office of the Principal Commissioner of Customs,
Preventive Commissionerate, Custom House, Chennai (Crime No. Not known
of 2024)
(File No.GEN/INV/OTH/476/2024-DIU)

Respondent(s)

For petitioners(s): Ms. Sumipriya N

For Respondent(s): M/s N.P.Kumar Special Public Prosecutor For Customs.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 132, 135(1)(a) and 135A of the Customs Act, 1962, in File No.GEN/INV/OTH/476/2024-DIU, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the accused attempted to export meat illegally, violating rules under the Customs Act. Hence, this case.

3. Learned counsel for the petitioners submits that the petitioners are innocent persons, who have been falsely implicated in this case. They have no way connection with the offences as alleged by the prosecution. Further, he submits that the petitioners had already filed a Writ Petition before this Court, wherein this Court permitted them to make an application for taking return of the goods attempted to be exported. He also submits that the petitioners were served summons for enquiry. Therefore, he prays that anticipatory bail be granted to the petitioners.

4. The learned Special Public Prosecutor for Customs department, appearing for the respondent, submits that the petitioners/accused attempted to export meat illegally, violating the Customs Act. He further submits that a detailed counter has been filed regarding the petitioners/accused in connection the Criminal Original Petitions in respect of the petitioners/accused, those who are all cooperated for the enquiry and not. The latter also failed to cooperate with the inventory of the goods, so as to enable the department to comply with the orders



of this Court.

5. Heard the learned counsel for the petitioners and the learned Special Public Prosecutor for Customs appearing for the respondent and perused the materials available on record, including the counter affidavit.

6. Considering the nature of the offence charged against the petitioners and also taking note of the fact that as per counter filed by the learned Special Public Prosecutor, these petitioners have been duly complied with the order of this Court, hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Metropolitan Magistrate, Economic Offence Wing-II, Egmore**, on condition that the petitioners shall execute separate 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 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 petitioners fails to surrender before the said Magistrate



within a period of fifteen days, this Order shall stand automatically cancelled;

WEB COPY

[b] the petitioners 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;

[c] the petitioners shall report before the respondent Police as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during the investigation or during the trial;

[e] the petitioners shall not abscond either during the investigation or during the trial;

[f] 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 were 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];

[g] If the petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

22-01-2025



To

1. The Superintendent of Customs,
Prosecution (Sea),
Office of the Principal Commissioner of Customs,
Preventive Commissionerate,
Custom House, Chennai
(Crime No. Not known of 2024)

(File No.GEN/INV/OTH/476/2024-DIU)



WEB COPY



A.D. JAGADISH CHANDIRA, J.

klt

CRL OP NO. 30678 of 2024

22.01.2025