



Crl.O.P.No.30049 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30049 of 2024

Afnan Ali
Prop.of M/s.Al Afnan Exports, K-123, Azad
Apartments, I.P.Extention, Patparganji, Delhi - 110092.

Petitioner(s)

Vs

The Superintendent Of Customs
Docks Intelligence Unit, Office of the Principal
Commissioner of Customs, Preventive
Commissionerate, Chennai - III Commissionerate,
Custom House, No.60, Rajaji Salai, Chennai - 600 001.

Respondent(s)

For Petitioner(s):

A.K.Jayaraj
K. Chozhan
J. Subash
Hakshara Shree .J
M. Narendra Kumar

For Respondent(s):

M/s N.P.Kumar Special Public Prosecutor For Customs

ORDER

Apprehending arrest in connection with File No.GEN/INV/145/2024-DIU, registered for the offences punishable under Sections 132 & 135(1)(b) and 135(1)(C) of the Customs Act, 1962, the present petition has been filed



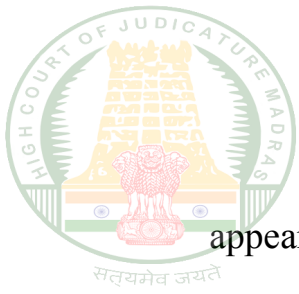
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by the petitioner seeking anticipatory bail.

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2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner has not committed any offence as alleged by the prosecution. He would submit that the petitioner has filed a writ petition seeking for return of the goods and this Court has also directed to return the goods to the petitioner. He would submit that the petitioner was issued a notice for appearance under Section 108 of the Customs Act, 1962 and the petitioner has duly appeared before the respondent and co-operated for the investigation. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution, as put forth by the learned Special Public Prosecutor appearing for the respondent police, opposing for grant of bail, is that the accused attempted to export buffalo meat in violation of the Customs Act and Rules thereunder. He would submit that the petitioner had attempted to export meat illegally in violation of the Customs Act and the Rules framed thereunder. He would submit that though the petitioner has



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appeared for enquiry, he has not co-operated for the investigation.

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4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record and also the materials filed along with the petition, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 EOW-1, Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (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



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Bank pass Book to ensure their identity.

[b]the petitioner shall report before the respondent police as and when required for interrogation.

[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.

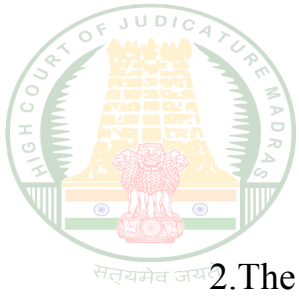
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

06.01.2025
(1/2)

Anu

To
1. The Additional Chief Metropolitan Magistrate EOW-1,
Egmore, Chennai



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2.The Superintendent Of Customs

Docks Intelligence Unit,
Office of the Principal Commissioner of Customs,
Preventive Commissionerate,
Chennai - III Commissionerate,
Custom House, No.60,
Rajaji Salai,
Chennai - 600 001.

A.D.JAGADISH CHANDIRA, J.

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