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CRL OP NO. 32051 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 32051 of 2024

Mohammad Zulfiqar,
S/o. Late Mohammad Umar, No. M-166, Azad
Apartments, IP Extension, Patparganj, New Delhi-110092

Petitioner(s)

Vs

The Superintendent of Customs,
Prosecution (Sea), Office of the Principal Commissioner
of Customs, Preventive Commissionerate, Custom House,
Chennai) . (File No. GEN/INV/OTH/470/2024-DIU)

Respondent(s)

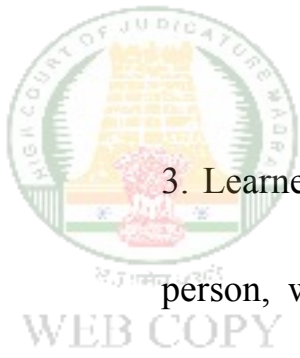
For Petitioner(s): Ms. Sumipriya N

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

ORDER

The petitioner, who apprehends 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/470/2024-DIU, on the file of the respondent police, seeks anticipatory bail.

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



3. Learned counsel for the petitioner submits that the petitioner is an innocent person, who has been falsely implicated in this case. The petitioner has no connection with the offences as alleged by the prosecution. Further, he submits that the petitioner 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 petitioner was served summons for enquiry. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Learned Special Public Prosecutor appearing for the respondent/Customs Department, submits that the petitioner/accused attempted to export meat illegally, violating the Customs Act. He further submits that a detailed counter has been filed regarding the involvement of the petitioner/accused in this matter. He further submitted that the petitioner/accused failed to cooperate during the inquiry, particularly with regard to the inventory of the goods. Such non-cooperation had hindered Department in complying with the orders of this Court.



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5. Heard the learned counsel for the petitioner 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 and also taking note of the fact that as per the counter affidavit filed by the learned Special Public Prosecutor, this petitioner has been duly complying with the order of this Court, 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 Metropolitan Magistrate, Economic Offence Wing-II, Egmore**, 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 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



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[b] 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;

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

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

22-01-2025

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To

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1. The Superintendent of Customs,
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Office of the Principal Commissioner of Customs,
Preventive Commissionerate,
Custom House, Chennai) .
(File No. GEN/INV/OTH/470/2024-DIU)



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A.D. JAGADISH CHANDIRA, J.

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