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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO.34478 of 2025

1.Pradeeba Panneerselvam
2.Mohammed Farook
3.Sirajudeen
4.Salomi Ramkumar

Petitioners

Vs

The State Represented by
The Superintendent of Customs,
AIU D Batch, Customs House,
Meenambakkam,
Chennai – 600 027.
O.S. No.68/2025 - INT

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners in O.S. No.68/2025 INT (AIR) on the file of the respondent.

For Petitioners:

Mr.A.Ganesh

For Respondent:

Mr.K.Purushothaman
Special Public Prosecutor

ORDER

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The petitioners were arrested and remanded to judicial custody on 02.11.2025 for the alleged offence punishable under Section 135 of the Customs Act, 1962 in O.S. No.68/2015-INT (AIR), on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 01.11.2025 at about 22.31 hours, acting on specific intelligence, officers of the Air Intelligence Unit (AIU), Chennai, intercepted five passengers arriving from Kuala Lumpur by Air Asia Flight No.AK-13 at the Arrival Hall of Chennai International Airport, in the presence of independent witnesses; though the passengers denied carrying any dutiable goods, as they appeared nervous, they were taken to the AIU room with their hand baggage, informed of their rights under Section 102 of the Customs Act, 1962, which they waived and on personal search of Ms.Govindharaj Elanangai, five yellow-coloured metal flat bars suspected to be gold, were recovered from her person, while her baggage contained only personal effects. The said bars were examined by a Government-approved Gold Appraiser and certified to be 24-carat gold weighing 2,460 grams and valued at Rs.2,80,38,957/- and as no valid import documents or proof of duty payment were produced, the gold along with the concealment material was seized under mahazar in

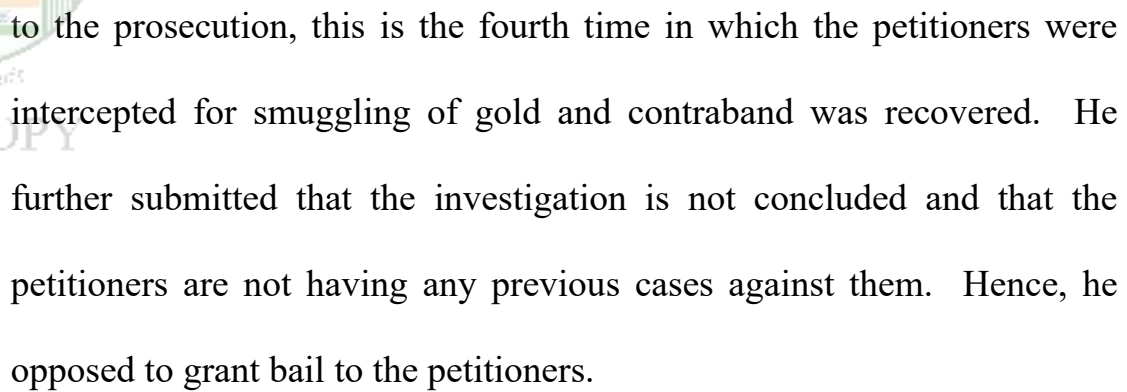


O.S.No.887/2025-AIU-D dated 01.11.2025 under Section 110 of the Customs Act, 1962 and the accused were arrested on the same day.

Hence, the case.

3. The learned counsel appearing for the petitioners submitted that in this case five accused were arrested and each of them was allegedly in possession of gold valued at less than Rs.1 crore, and that possession of gold below Rs.1 crore constitutes a bailable offence. He further submitted that by clubbing the alleged possession of all the accused, the offence has been made as non-bailable offence. He further submitted that the petitioners are in judicial custody since 02.11.2025. He further submitted that the properties were recovered and that the petitioners are not having any previous case against them. Hence, he prayed to grant bail to the petitioners.

4. The learned Special Public Prosecutor appearing for the respondent reiterated the prosecution case and submitted that there are totally five accused in this case and the petitioners are ranked as A2, A3, A4 & A5. He further submitted that the investigation revealed that the petitioners had travelled abroad on three occasions and had smuggled gold, though no previous cases were registered against them. According



6. Considering the submissions made by the learned counsel on either side, the fact that the entire gold has been recovered from the petitioners, though it is stated that earlier the petitioners traveled to foreign countries for smuggling gold and there was no previous cases registered against them, and also considering the period of their incarceration, this Court is inclined to grant bail to the petitioners on certain conditions.

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that:-

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[a] 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;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

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

[d] the petitioners shall not tamper with the evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial



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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 B.N.S.

18.12.2025

drl

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

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1. The Judicial Magistrate,
Special Court for Exclusive Trial of
Customs Act and other related cases,
Alandur,
2. The Superintendent of Customs,
AIU D Batch, Customs House,
Meenambakkam,
Chennai – 600 027.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Superintendent,
Special Prison for Women, Puzhal, Chennai.
5. The Special Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.,

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