



CRL OP(MD). No.14616 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2025

PRESENT

The HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.14616 of 2025

K. Sivakumar

... Petitioner/Accused

Vs

The State of Tamilnadu,
Rep. by the Joint Commissioner of
Customs (In-Situ),
Customs Division,
Ramanathapuram.
F.No.DRI/CZU/TTN/VIII/48/06/Int-01/2019).. Respondent/Complainant

For Petitioner : Mr.H. Mohammed Farook
Advocate.

For Respondent : Mr.E. Antony Sahaya Prabahar
Government Advocate (Crl.Side)

PRAYER :-

To enlarge the petitioner on Anticipatory bail in the event of arrest or surrender before the court in connection with the C.C.No. 415/2023 on the file of the Learned Additional Chief Judicial Magistrate, Madurai.

ORDER : The Court made the following order :-

1/5



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The petitioner, who apprehends arrest at the hands of the respondent police for offences punishable under Sections 135(1)(a) and 135(1)(b) of the Customs Act, 1962 in F.No DRI/ CZU/ TTN/ VIII/ 48/ 06/ Int-01/2019 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel appearing for the petitioner submits that due to the petitioner's non-appearance, a Non-Bailable Warrant was issued against him by the trial Court on 23.06.2025. It is further submitted that the petitioner was unable to appear before the trial Court due to medical reasons. The petitioner's absence is neither willful nor wanton. He further submits that the petitioner is willing to abide by any conditions imposed by this Court and, accordingly, seeks anticipatory bail.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that due to the petitioner's non-appearance, a Non Bailable Warrant was issued, and therefore strongly opposes the



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grant of anticipatory bail to the petitioner.

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4. Heard the learned counsel appearing for both sides and perused the materials available on record.

5. It is a case of jumped out of bail. The petitioner has now filed an application for anticipatory bail. The Hon'ble Supreme Court has considered a similar issue in ***“Manish Jain vs. Haryana State Pollution Control Board”*** in ***Special Leave to Appeal (Crl.) No. 5385 of 2020***, wherein it was held that anticipatory bail pursuant to the cancellation of regular bail under Section 15 of the Act cannot be granted automatically, as a person released on bail is considered to be in the constructive custody of law if the law requires his return for specified reasons. The same principle applies to the facts of the present case.

6. Though the petitioner has cited medical grounds, which are accepted, anticipatory bail cannot be granted at this stage. The petitioner is directed to surrender before the trial Court concerned and submit an application for bail. On receipt of such application, the trial Court may



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consider the same on the same day, taking into account the medical condition of the petitioner.

7. With the above directions, this Criminal Original Petition is disposed of.

(S S Y J)
09.09.2025

TRP

TO

1. The Joint Commissioner of
Customs (In-Situ),
Customs Division,
Ramanathapuram.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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S.SRIMATHY,J

TRP

ORDER
IN
CRL OP(MD) No.14616 of 2025

Date : 09/09/2025