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CRL OP No. 5183 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5183 of 2026

Dinesh
S/o.Sundar Raj,
No.15, Ambal Nagar,
Periya Street,
Vilangadupakkam, Mathavaram,
Tiruvallur - 600052

..Petitioner(s)

Vs

The Superintendent of Customs,
RSI Unit- Airport,
New Customs House,
Meennambakkam,
Chennai-600016

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest, in connection with the investigation in OS. No. 43 of 2025 INT AIR and OS.NO. 661 of 2025 AIU C for the alleged offence under section 296(b), 74 OF BNS (BHARATHIYA NAYAYA SANHITA) on the file of the respondent, The superintendent of customs , RSI Unit, Airport , Chennai and pass such further other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Mr.H.SYED ALIM

For Respondent(s): Mr.P.Vishnu,
Special Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent



police for the offence punishable under Section 135(1) of the Customs Act 1962, r/w Section Wildlife Protection Act, in OS. No. 43 of 2025 INT AIR and OS.NO. 661 of 2025-AIU-C, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with one Mohamed Ashiq, smuggled wild life species namely Siamang Gibbon(Live), Orange-breasted Fig (live), Green Iguana(Live), Yellow Iguana (Live) and Bull Snake (Live). The said Mohammed Ashiq was remanded to judicial custody and later enlarged on bail on 10.10.2025. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and has been falsely implicated in this case. He further submitted that the occurrence took place on 28.08.2025 and that the petitioner received summon on 11.02.2026 and is apprehending the arrest. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the petitioner is involved in a serious offence relating to smuggling of protected species, which has environmental implications. He



further submitted that no incriminating documents were recovered from the premises of the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. I have given my anxious consideration to either side submissions.

6. From the above submissions, it is seen that the occurrence took place on 28.08.2025, the co-accused has already been released on bail, no incriminating documents were recovered from the petitioner's premises and summons has been issued to the petitioner to appear on 11.02.2026. Hence, this Court is of the view that, at this length of time, the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to enlarge the petitioner on anticipatory with stringent conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Special Court for Customs Act, (FAC) Alandur**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:



(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent police daily at 10.30 am until further orders. No relaxation petition was entertained for a period of 60 days.

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

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

09-04-2026

DRL



To

1. The Judicial Magistrate,
Special Court for Customs Act, (FAC), Alandur.

2. The Superintendent of Customs,
RSI Unit- Airport,
New Customs House,
Meennambakkam,
Chennai-600016

3. The Special Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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