



IN THE HIGH COURT OF KARNATAKA

AT BENGALURU

DATED THIS THE 4TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

**CRIMINAL PETITION NO.14099 OF 2024 (438(Cr.PC) /
482(BNSS))**

BETWEEN:

MR. MUKTHAR HUSSAIN SYED ABDUL
GAFOOR S/O AHMED HUSSAIN,
AGED ABOUT 36 YEARS,
R/AT. HOUSE NO.2A/12,
PERIYA VANIYA STREET,
CHIDAMBARAM CUDDALORE
TAMIL NADU-608001
NOW R/ AT. APARTMENT BLOCK 64,
UNIT NO.02-385,
KALLANG BAHUR, SINGAPORE-330064

...PETITIONER

(BY SRI HASMATH PASHA, SENIOR COUNSEL FOR
SRI KARIAPPA N. A., ADVOCATE)

AND:

UNION OF INDIA
SENIOR INTELLIGENCE OFFICER,
DIRECTORATE OF REVENUE INTELLIGENCE,
BANGALORE ZONAL UNIT,
BANGALORE-560043,
(REPRESENTED BY, SPECIAL PUBLIC PROSECUTOR,
FOR DRI, HIGH COURT OF KARNATAKA
AT BENGALURU-560001)

...RESPONDENT

(BY SRI MADHU N. RAO, ADVOCATE)

Digitally signed by
SHIVAKUMAR
HIREMATH

Location: HIGH
COURT OF
KARNATAKA



THIS CRL.P IS FILED U/S 438 CR.P.C (U/S 482 BNSS) BY THE PETITIONER (A2) PRAYING TO GRANT ANTICIPATORY BAIL IN F.NO.DRI/BZU/S-VI/ENQ/69/INT-NIL/2018 ON THE FILE OF RESPONDENT DRI BANGALORE ZONAL UNIT, BANGALORE, WHICH IS PENDING IN CC.NO.2/2023 ON THE FILE OF HON'BLE SPECIAL COURT FOR ECONOMIC OFFENCES, BANGLAORE, FOR OFFENCES U/S 135(1)(B) AND 135(1)(C) OF THE CUSTOMS ACT, 1962, WITH A DIRECTION TO RELEASE HIM ON BAIL IN THE EVENT OF ARREST IN THE ABOVE CASE.

THIS PETITION COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.2 in C.C.No.2/2023, pending before the Special Court for Economic Offenses, Bengaluru, registered for the offences punishable under Section 135(1)(b) and 135(1)(c) of the Customs Act, 1962, arising out of F.No.DRI/BZU/S-VI/ENQ/69/INT-NIL/2018 of DRI Bengaluru Zonal Unit, Bengaluru, is before this Court under Section 438 of Cr.P.C., seeking anticipatory bail.

2. Heard learned counsel for the parties.

3. Learned Senior counsel appearing for the petitioner submits that the maximum punishment for the



alleged offences is imprisonment for a period of seven years. Accused No.1, who was arrested in the present case had pleaded guilty and the Trial Court by order dated 05.11.2019, has sentenced him to undergo simple imprisonment for a period of 61 days and pay fine of Rs.15,000/- each for the offences punishable under Sections 135(1)(b) and 135(1)(c) of the Customs Act, 1962 and the sentence is ordered to run concurrently. He submits that accused No.1 was caught red-handed, whereas, the petitioner was not found along with accused No.1. Based on the confession statement of accused No.1 recorded under Section 108 of the Customs Act, 1962, the petitioner is arraigned as accused in the present case. The petitioner is ready and willing to cooperate before the Trial Court and he shall also abide by any conditions that may be imposed on him. He submits that petitioner's mother is not well and he is facing serious difficulty to travel to India because of pendency of the aforesaid criminal case. Accordingly, he prays to allow the petition.



4. Per contra, learned counsel appearing for the respondent has opposed the prayer made in the petition. He submits that the petitioner has been absconding for the last more than five years and though coercive steps were taken to secure his presence, he has been evading the same. He submits that since the petitioner is now residing at Singapore, it would be difficult to secure his presence. Accordingly, he prays to dismiss the petition.

5. Complaint in the present case was filed against the accused persons with an allegation that they had attempted to smuggle foreign currency out of India without declaring the same before the Customs Authorities at India and therefore, they had committed the offences punishable under Sections 135(1)(b) and 135(1)(c) of the Customs Act, 1962. It is not in dispute that accused No.1, who was arrested in the present case has subsequently pleaded guilty before the Trial Court and the Trial Court has sentenced him to undergo simple imprisonment for a period of 61 days and pay fine of Rs.15,000/- each for the



aforesaid offences. The maximum punishment for the alleged offences is imprisonment for a period of seven years. It is not the case of the prosecution that the petitioner has any other criminal antecedents. The petitioner has undertaken to cooperate with the Trial Court for the purpose of disposal of the criminal case, which is now pending in C.C.No.2/2023 before the Special Court for Economic Offences at Bengaluru and he has undertaken to abide by any conditions that may be imposed on him. The petitioner has also undertaken to cooperate for further investigation, if any.

6. Considering the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioner in this petition seeking anticipatory bail needs to be granted subject to imposing appropriate conditions on him, which would take care of the apprehension expressed by learned counsel appearing for the respondent. Accordingly, following order is passed:



ORDER

The criminal petition is allowed.

The respondent or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in C.C.No.2/2023, pending before the Court of Special Court for Economic Offenses, Bengaluru, arising out of F.No.DRI/BZU/S-VI/ENQ/69/INT-NIL/2018 of DRI Bengaluru Zonal Unit, Bengaluru, registered for the offences punishable under Section 135(1)(b) and 135(1)(c) of the Customs Act, 1962, subject to the following conditions:

1. The petitioner shall appear before the Trial Court within one month from the date of this order and shall execute a personal bond for a sum of Rs.2,00,000/- with two sureties for the likesum to the satisfaction of the Trial Court, out of which, one surety shall be local surety.
2. The petitioner shall surrender his passport before the Trial Court on the date he appears before the Trial Court and the same shall be



subject to further orders that may be passed by the Trial Court.

3. The petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

4. The petitioner shall not tamper with the prosecution witnesses and he shall co-operate with the respondent for investigation and appear before them whenever called upon.

5. The petitioner shall not involve in similar offences in future.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

SRT
List No.: 19 Sl No.: 3
CT:PK