

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.884 OF 2020
(@ out SLP(CRL.) No.5402/2020)

MOHAMED FAROOQUE @ MOHD. FAROOK

APPELLANT(S)

VERSUS

UNION OF INDIA

RESPONDENT(S)

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 08-09-2020 passed by the High Court of Judicature at Allahabad in CRMBA No. 16668/2020.

In connection with Complaint filed before the Court of Special Chief Judicial Magistrate (Economic Offences), Varanasi in respect of offences punishable under Section 135 of the Customs Act, 1962, the appellant has been in custody since 13.11.2019.

The application for bail preferred in connection with aforesaid appellant having been rejected, the present appeal has been preferred.

Pursuant to the notice issued by this Court, the respondents have filed the affidavit in reply submitting that ; 1) 22 biscuits of gold were found on the person of the present appellant, ii) the appellant and his brother had made multiple trips to Myanmar importing gold biscuits; iii) they were using multiple mobile phones and

iv) Mr. D.K.Khan, the principal offender has been absconding.

Heard Mr. Choudhary, learned Advocate for appellant and Ms. Madhavi Divan, learned ASG for the respondent.

Having gone through the record and considered the rival submissions, in our view, the appellant is entitled to the facility of bail under Section 439 Code of Criminal Procedure. It is therefore, directed that

(A) The appellant shall be produced before the trial Court within three days from today and the Trial Court shall release him on bail on such conditions as the Trial Court may deem appropriate to impose; including

(i) That the appellant shall not go beyond the jurisdiction of the concerned Court without express permission of the Trial Court.

(ii) That he shall report to the concerned Police Station every Monday at 10.30 AM and shall make himself available and co-operate with investigation

The conditions may also include such stipulations which will ensure his presence and participation in the ensuing investigation and prosecution, if any, lodged thereafter and that the appellant shall not cause any obstruction in the smooth functioning of the ensuing investigation.

With the aforesaid observations, the appeal is allowed.

Pending applications, if any, also stand disposed of.

..... J.
[UDAY UMESH LALIT]

..... J.
[VINEET SARAN]

..... J.
[S. RAVINDRA BHAT]

New Delhi,
December 18, 2020

ITEM NO.38 Court 4 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5402/2020

(Arising out of impugned final judgment and order dated 08-09-2020 in CRMB No. 16668/2020 passed by the High Court Of Judicature At Allahabad)

MOHAMED FAROOQUE @ MOHD. FAROOK Petitioner(s)

VERSUS

UNION OF INDIA Respondent(s)

(FOR ADMISSION and I.R. and IA No.112905/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.112906/2020-EXEMPTION FROM FILING O.T..)

Date : 18-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s)

Mr. F. I. Choudhury, AOR

For Respondent(s)

Ms. Madhavi Diwan, ASG
Mr. Ayush Puri, Adv.
Mr. Sanjay Kr. Tyagi, Adv.
Mr. B. Krishna Prasad, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any also stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)