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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

**CRL.O.P.Nos.26716, 26964,26991, 26992, 29185, 26906, 26735, 26736,
26743, 26848, 26849 & 26850 of 2025**

K.P.Mohan Kumar	... Petitioner/ Rank not known in Crl.OP.No.26716/2025
Seshadri Rajappan	... Petitioner/A-18 in Crl.OP.No.26964/2025
Kaliamurthy Rajavel	... Petitioner/A-19 in Crl.OP.No.26991/2025
S.Sudharsan	... Petitioner/A-21 in Crl.OP.No.26992/2025
1.Prasad Vinayak Bapat 2.Jiun Ming Lee 3.A S Jayaseelan 4.Balaji N	... Petitioners/A.Nos.8, 10, 11, 12 in Crl.OP.No.29185/2025
K.P.Mohan Kumar	... Petitioner/A-20 in Crl.OP.No.26906/2025
Praveen Jayanthilal Bagrecha	... Petitioner/A-3 in Crl.OP.No.26735/2025



Upasana Swaroop Bagrecha

... Petitioner/A-2 in
Crl.OP.No.26736/2025

Swaroop Jayanthilal Bagrecha

... Petitioner/A-1 in
Crl.OP.No.26743/2025

Kumar Devaraj

... Petitioner/Rank not Known
in Crl.OP.No.26848/2025

T.Raju

... Petitioner/Rank not Known
in Crl.OP.No.26849/2025

G.Dilli Kumar

... Petitioner/Rank not Known
in Crl.OP.No.26850/2025

Versus

The State rep by its,
The Inspector of Police,
Central Crime Branch,
Avadi Police Commissionerate,
Avadi, Chennai.
(Crime No.Not known of 2025)

... Respondent in
(Crl.OP.Nos.26716, 26848,
26849 & 26850/2025)

The Inspector of Police,
Central Crime Branch,
Avadi Police Commissionerate,
Avadi, Chennai.
Crime No.98 of 2025

... Respondent in
(Crl.OP.Nos.26964, 26991,
26992, 29185, 26906, 26735,
26736, 26743/2025)



Common Prayer in Crl.OP.Nos.26716, 26848, 26849 & 26850 of 2025:-

Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No. Not Known of 2025 on the file of the respondent police.

Common Prayer in Crl.OP.Nos.26964, 26991, 26992, 29185, 26906,

26735, 26736 & 26743 of 2025:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.98 of 2025 on the file of the respondent police.

For Petitioners : Mr.S.Vasudevan
(in Crl.OP.Nos.26716, 26964, 26991,
26992,26906, 26848, 26849 &
26850 of 2025)

: Mr.John Sathyan, Senior Advocate
for Mr.P.Giridharan
(in Crl.OP.No.29185/2025)

: Mr.B.Kumar, Senior Advocate for
M/s.M.Sheela
(in Crl.OP.No.26735 & 26736/2025)

: Mr.N.R.Elango, Senior Advocate
for M/s.Sheela
(in Crl.OP.No.26743/2025)

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side)
(in all Crl.OPs.)



For Intervener : Mr.R.Ragavendran
(in CrI.OP.Nos.26716, 26964, 26992,
26906, 26735, 26736, 26743 of 2025)

COMMON ORDER

In CrI.OP.Nos.26716, 26848, 26849 & 26850 of 2025:

1. (i) The petitioners, who apprehend arrest by the respondent police for the offences punishable under Sections 316(2) and 318(4) of BNS in Crime No.Not Known of 2025, on the file of the respondent police seek anticipatory bail.

In CrI.OP.Nos.26964, 26991, 26992, 29185, 26906, 26735, 26736 & 26743 of 2025:

(ii) The petitioners, who apprehend arrest by the respondent police for the offences punishable under Sections 61(2), 316(2) and 318(4) of BNS in Crime No.98 of 2025, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant had exported property worth Rs.15 crores involving multiple consignments of PVC Resin which were arranged through A4 to A17 and shipped from Tianjin Xingang and Qingdao, China to Kattupalli, India. From Kattupalli



port, the consignments were shifted to the container yard belonging to A18 to A21. It is alleged that, without producing the bill of lading required for taking delivery of the goods sent, A1 to A3 managed to take delivery of 82 containers, containing goods valued at Rs.13.5 crores. Since no payment was made to the defacto complainant, he has lodged the present complaint alleging that all the persons involved in the transportation, loading, unloading and removal of the goods have committed the offence. Hence, the case.

3. The learned Senior counsel appearing for the petitioners (A1 to A3) submitted that they had taken delivery of the goods contained in 82 containers by producing the relevant documents, though it is alleged that the bill of lading was not produced, the petitioners had taken delivery only considering the urgency involved. He further submitted that they have not committed any offence of misappropriation, cheating or forgery of records. He further submitted that they had taken delivery of the goods bonafidely for the purpose of utilizing the products, and to show their bonafides, they have already deposited 25% of the value of the goods. He further submitted that this 25% amount was directly paid to the defacto



complainant. For the remaining value, the petitioners are ready to furnish appropriate security documents to satisfy the requirements of the investigation. He further submitted that another 8 containers are still lying within the container yard and the defacto complainant may take delivery of those goods without any hindrance. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Senior counsel appearing for the petitioners (A8, A10, A11 and A12) submitted that they are only shipping liners and their duty is to load the property at the exporting port, transporting it to the importing port, and thereafter unloading the same in the container yard. He further submitted that they have performed their duties strictly in accordance with the terms of the contract entered into between the parties and that they have not indulged in any illegal activities, and nor can they be fastened even with civil liability. The very same arguments were also advanced on behalf of the accused 13 to 17, who are similarly placed shipping liners. Hence, he prays to grant anticipatory bail to the petitioners.



5. The learned counsel appearing for the petitioners (A.18 to A.21) submitted that they are only operating a container yard. The allegation against the container yard is that it allowed A1 to A3 to take delivery of the property without any documents in this regard. He further submitted that though it is alleged to be a case of misappropriation, the customs authorities had already granted clearance for handing over the property to the importer, and therefore the petitioners proceeded with the delivery. Hence, there is no criminality involved in the present case. . He further submitted that the petitioners are ready to return the remaining 8 containers to the defacto complainant and that no detention charges will be levied for the said containers. Hence, he prays to grant anticipatory bail to the petitioners.

6. Learned counsel for the defacto complainant submitted that they had sent property worth Rs.15 crores to A1 to A3 with proper documentation, and that the bill of lading required for taking delivery of the property is still with them. She submitted that, inspite of the mandatory condition that the goods shall be released only upon the production of the bill of lading, the container yard had released the goods without such



compliance, which is squarely against the settled principles governing contractual obligations. She further submitted that though A1 to A3 have now come forward to produce certain property documents for the purpose of securing the goods taken by them, the same cannot be considered valid, as the very act of taking delivery of the goods amounts to clear misappropriation and cheating. Hence, she strongly opposed the grant of anticipatory bail to the petitioners.

7. Learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that the investigation reveals the active involvement of the petitioners in the alleged offences. He further submitted that the release of the goods without proper documents, particularly without the production of the bill of lading, has caused substantial loss to the defacto complainant and amounts to a serious lapse attracting criminal liability. He further submitted that the acts of the petitioners, along with A1 to A3, disclose clear elements of misappropriation and cheating and that their custodial interrogation be necessary for effective investigation. Hence, he opposed for the grant of anticipatory bail to the petitioners.



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8. I have considered the submissions made on both sides and perused the materials available on records. The records reveal that, on the basis of the contractual arrangement between the parties, the goods were sent to Kattupalli Port and the shipping liner subsequently unloaded the goods, which were kept in the container yard belonging to A18 to A21. Without proper documentation, A18 to A21 allowed A1 to A3 to take delivery of the property, which amounts to a clear violation of the contractual terms. It was the bounden duty of the container yard to release the goods only upon production of valid documents, particularly the bill of loading.

9. However, considering the nature of the allegations and the present situation, wherein 25% of the amount has already been paid to the defacto complainant and A1 to A3 have now come forward to produce the property documents for securing the remaining amount, this Court is of the view that custodial interrogation of the petitioners is not required, therefore, this Court is inclined to grant anticipatory bail to the petitioners.

10. Accordingly, the petitioners are ordered to be released on



anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned I Judicial Magistrate, Ambattur (in Crl.OP.Nos.26716, 26906,26964,26991,26992,26848, 26849 & 26850 of 2025) and the learned Judicial Magistrate No.I, Poonamallee (in Crl.OP.Nos.26735, 26736, 26743 & 29185 of 2025)* on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- each (Rupees Fifteen Thousand Only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(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) (i) the petitioners (A1 to A3 and A18 to A21) shall report before the respondent police, everyday at 10.30 a.m., for a period of three weeks week and thereafter as and when required for interrogation;

(ii) the petitioners (A8 to A10) shall report before the respondent police as and when required for interrogation;



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(iii) the petitioners (A11 & A12) shall report before the respondent police daily at 10.30 a.m, for a period of one week.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

(g) the petitioners (A1 to A3) are directed to deposit of property documents as security to the value of 9 crores, within a period of 15 days, and the same shall be free from any encumbrance.

(h) The respondent police is directed to verify the said documents and file a report to the trial Court, confirming whether the property documents are free from any encumbrance

(i) The petitioners (A18 to A21) shall not claim or be liable to pay any detention charges or demurrage charges.



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(j) The defacto complainant shall also is at liberty to take delivery of the containers stored with petitioners/A18 to A21.

05.11.2025

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To

1.The I Judicial Magistrate,
Ambattur,

2.The Judicial Magistrate No.I,
Poonamallee.

3. The Inspector of Police,
Central Crime Branch,
Avadi Police Commissionerate,
Avadi, Chennai.

4.The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.

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CRL.O.P.Nos.26716, 26964,26991, 26992, 29185,
26906, 26735, 26736, 26743, 26848, 26849 & 26850 of 2025
(3/3)

05.11.2025