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Crl.M.P.Nos.1780, 1781, 1783 and 1786 c



in

Crl.O.P.Nos.26735, 26736, 29185 and 26743 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.M.P.Nos.1780, 1781, 1783 and 1786 of 2026

in

Crl.O.P.Nos.26735, 26736, 29185 and 26743 2026

Crl.M.P.No.1780 of 2026

B.Subramanyan

... Petitioners

Vs.

1. Praveen Jayanthilal Bagrecha,

2. State Rep. By

The Inspector of Police,
EDF, Central Crime Branch (CCB),
Avadi Commissionerate
Avadi City, Pincode – 600054
(Crime No.98 of 2025)

3. TS Lines India Private Limited,

Unit No.4, 6th Floor, Seetha Kathi Business Center,
684-690, Thousand Lights,
Anna Salai, Chennai – 600006.

... Respondents

PRAYER : Criminal Miscellaneous Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to modify the condition imposed in the above Criminal Original Petition in Crl.O.P.No.26735 of 2025 order dated 05.11.2025 on the file of this Court, namely clause No.10(i) to the effect that directing the accused Nos.4 to 21 shall not claim or demand any demurrage or detention charges from the petitioner.



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Crl.M.P.Nos.1780, 1781, 1783 and 1786 c



in

Crl.O.P.Nos.26735, 26736, 29185 and 26743 2026

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel
for Mr.R.Ragavendran

For Respondents : Mr.P.Dhileepan,
Government Advocate (Crl.Side) (for R2)
Mr.P.Giridharan (for R1 & R3)

Crl.M.P.No.1781 of 2026

B.Subramanyan

... Petitioners

Vs.

1. Upasana Swaroop Bagrecha

2. State Rep. By
The Inspector of Police,
EDF, Central Crime Branch (CCB),
Avadi Commissionerate
Avadi City, Pincode – 600054
(Crime No.98 of 2025)

3. TS Lines India Private Limited,
Unit No.4, 6th Floor, Seetha Kathi Business Center,
684-690, Thousand Lights,
Anna Salai, Chennai – 600006.

... Respondents

PRAYER : Criminal Miscellaneous Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to modify the condition imposed in the above Criminal Original Petition in Crl.O.P.No.26736 of 2025 order dated 05.11.2025 made in clause No.10(i) to the effect that directing the accused Nos.4 to 21 shall not claim or demand any demurrage or detention charges from the petitioner.

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel
for Mr.R.Ragavendran



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Crl.M.P.Nos.1780, 1781, 1783 and 1786 c

in

Crl.O.P.Nos.26735, 26736, 29185 and 26743 2026

For Respondents : Mr.P.Dhileepan,
Government Advocate (Crl.Side) (for R2)
M/s.M.Sheela (for R1)
Mr.P.V.Balasubramaniam,
Senior Advocate
for M/s.Deepika Murali and Jyotika Jain
(for R3)

Crl.M.P.No.1783 of 2026

B.Subramanyan

... Petitioners

Vs.

1. Prasad Vinayak Bapat

2. Jiun Ming Lee

3. A.S.Jayaseelan

4. Balaji

5. State Rep. By

The Inspector of Police,
EDF, Central Crime Branch (CCB),
Avadi Commissionerate
Avadi City, Pincode – 600054
(Crime No.98 of 2025)

6. TS Lines India Private Limited,

Unit No.4, 6th Floor, Seetha Kathi Business Center,
684-690, Thousand Lights,
Anna Salai, Chennai – 600006.

... Respondents

PRAYER : Criminal Miscellaneous Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to modify the condition imposed in the above Criminal Original Petition in Crl.O.P.No.29185 of 2025 made in clause No.10(i) to the effect that directing the accused Nos.4 to 21 shall not claim or demand any demurrage or detention charges from the petitioner.



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Crl.M.P.Nos.1780, 1781, 1783 and 1786 c



in
Crl.O.P.Nos.26735, 26736, 29185 and 26743 2026

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel
for Mr.R.Ragavendran

For Respondents : Mr.P.Dhileepan,
Government Advocate (Crl.Side) (for R5)
Mr.C.Thiagarajan
for Mr.P.Giridharan for R1 to R4)
Mr.P.V.Balasubramaniam,
Senior Advocate
for M/s.Deepika Murali and Jyotika Jain
(for R6)

Crl.M.P.No.1786 of 2026

B.Subramanyan

... Petitioners

Vs.

1. J.Swaroop Bagrecha

2. State Rep. By
The Inspector of Police,
EDF, Central Crime Branch (CCB),
Avadi Commissionerate
Avadi City, Pincode – 600054
(Crime No.98 of 2025)

3. TS Lines India Private Limited,
Unit No.4, 6th Floor, Seetha Kathi Business Center,
684-690, Thousand Lights,
Anna Salai, Chennai – 600006.

... Respondents

PRAYER : Criminal Miscellaneous Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to modify the condition imposed in the above Criminal Original Petition in Crl.O.P.No.26743 of 2025 order dated 05.11.2025 made in clause No.10(i) to the effect that directing the accused Nos.4 to 21 shall not claim or demand any demurrage or detention charges from the petitioner.



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in

Crl.O.P.Nos.26735, 26736, 29185 and 26743 2026

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel
for Mr.R.Ragavendran

For Respondents : Mr.P.Dhileepan,
Government Advocate (Crl.Side) (for 2)
M/s.M.Sheela (for R1)
Mr.P.V.Balasubramaniam,
Senior Advocate
for M/s.Deepika Murali and Jyotika Jain
(for R3)

COMMON ORDER

These Miscellaneous Petitions have been filed by the petitioner/de facto complainant seeking modification of Condition No.10(i) imposed by this Court, by directing that accused Nos.4 to 21 shall not claim or demand any demurrage or detention charges, instead of restricting the said condition only to accused Nos.18 to 21 from claiming or demanding such charges.

2. The learned Senior Counsel appearing for the petitioner would submit that the accused Nos.4 to 21, in collusion with accused Nos.1 to 3, had parted with the consignment worth about Rs.15 Crores without insisting upon production of the original way bill, thereby causing a loss of Rs.15 Crores. The learned Senior Counsel would further contend that the entire consignment comprised 90 containers, out of which 82 containers were stealthily removed

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and, in respect of the remaining 8 containers, the accused are demanding

demurrage charges. It is his further submission that, at the time of hearing of the anticipatory bail petition, based upon the consensus arrived at between the parties, a condition was imposed that no demurrage charges should be levied. However, while incorporating the condition, instead of referring to accused Nos.4 to 17, the order referred only to accused Nos.18 to 21, which is contrary to the submissions made before this Court. It is also submitted that accused Nos.4 to 17, despite being aware of the intention behind the said direction, are not cooperating and are not delivering four out of the remaining eight containers. Hence, he prayed for modification of the condition.

3.The said contention was stoutly opposed by the learned Senior Counsel appearing for the respondent/Private Company, and would submit that even according to the observations contained in the order, the concession was made only by accused Nos.18 to 21. Therefore, the petitioner cannot construe the said concession as one given by the other accused. It is further submitted that the other accused are merely shipping liners and carriers who had transported the consignments to the Port and handed over the same to the Port authorities. Therefore, they are entitled to claim demurrage and detention charges until the containers are emptied and returned to them. It is also



contended that the petitioner is attempting to convert the anticipatory bail proceedings into a civil dispute by filing the present modification petitions.

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

5. Upon consideration of the submissions made on either side, it is the specific contention of the learned Senior Counsel for the petitioner that, at the time of passing the order, it was the intention of this Court that the containers belonging to the de facto complainant should be released without insisting upon demurrage charges. However, instead of referring to accused Nos.4 to 17, the order referred only to accused Nos.18 to 21. This Court, however, finds it difficult to accept the said contention.

6. A perusal of the order dated 05.11.2025 reveals that, while recording the submissions of the individual accused, this Court has specifically recorded in paragraph No.5 that accused Nos.18 to 21, who are the operators of the container yard, had voluntarily given an undertaking to return the remaining eight containers to the de facto complainant without claiming any detention charges. The submission of the learned Senior Counsel is that the said undertaking should be construed as one given on behalf of accused Nos.4 to 17



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as well and that, while incorporating Condition No.10(i), the intention of the

Court was not properly reflected due to a typographical error.

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7. However, on a harmonious reading of the entire bail order, this Court is unable to find any material indicating such an intention. As rightly contended by the learned counsel for the respondent, the concession was extended only by accused Nos.18 to 21 and not by the other accused. The same is evident from the distinction maintained throughout the order, particularly in Conditions 10(b)(i), (ii), (iii) and (g), wherein specific references have been made to different categories of accused. In Condition No.10(i), the reference is specifically confined to accused Nos.18 to 21. Further, the said condition is clearly traceable to the undertaking recorded in paragraph No.5 of the order.

8. Therefore, this Court is of the firm view that, as rightly submitted by the learned counsel for the respondents, there was never any intention on the part of this Court to direct release of the containers without demurrage charges insofar as all the accused are concerned. The benefit of the said condition was intended only for accused Nos.18 to 21. However, it is made clear that it is always open to the petitioner to establish his rights before the competent forum in the manner known to law. In the absence of any material warranting interference, this Court finds no grounds to modify the condition.



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9. Accordingly, these Miscellaneous Petitions stand dismissed.

09.06.2026

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To

- 1.The Inspector of Police,
EDF, Central Crime Branch (CCB),
Avadi Commissionerate
Avadi City, Pincode – 600054.
- 2.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN.J.

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