

**IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,
PRINCIPAL DISTRICT & SESSIONS JUDGE, COIMBATORE**

Monday, this the 16th day of March, 2026

CRIMINAL MISCELLANEOUS PETITION Nos.923/2026 and 938/2026

Srinivas @ Srinivasan (35 aged)

S/o. Babu

... Petitioner in C.M.P.No.923/2026 / A-3

Mohammed Iqbal Shariff (Age 39 years)

S/o. Abdul Hameed..

... Petitioner in C.M.P.No.938/2026 / A-1

/vs/

State, Rep. by

through the Inspector of Police,

Thudiyalur Police Station,

Crime No.398/2025.

Offences:u/s. 316(2), 318(4), 351(2) of BNS.

Through the Public Prosecutor, Coimbatore.

(The Judicial Magistrate Court No.1, Coimbatore.)

... Respondent

These two petitions have been filed on behalf of the petitioner in the respective petitions to release them on bail u/s.483 of BNSS.

These two petitions are coming on this day for final hearing before this Court in the presence of **Tmt. / Selvi. M.Kalaiselvi**, Advocate for the petitioner in C.M.P.No.923/2026 / A-3 **Tvl. J. Santhosh Kumar, V. Dharshini, and M. Mahendiran**, Advocates for the Petitioner in C.M.P.No.938/2026 / A-1 and of **Thiru.K.Chinna Durai**, Advocate for the defacto complainant / intervener [C.M.P.No.1009/2026 and C.M.P.No.1039/2026] and of **Thiru. V. Ravichandran, Public Prosecutor**, represented for State, upon perusing the petitions submitted and upon hearing both side arguments, this Court pronounced the following:-

COMMON ORDER

Heard both side.

The petitioner in the respective petitions is the accused in Crime No.398/2025 of Thudiyalur Police Station, for the alleged offence u/s.316(2), 318(4), 351(2) of BNS, they have filed these two petitions, seeking grant of bail. he has filed this petition, seeking grant of bail.

2. Previous bail petition filed by the petitioner in C.M.P.No.938/2026 was dismissed by this Court on 25-05-2026 and this is the second bail petition.

3. The learned counsel for the petitioner in C.M.P.No.923/2026 submitted that this petitioner is arrayed as A-3 and he is the agent. A-1 and A-2 are known person to A-3. The petitioner is innocent and he has been falsely implicated in this case and he never indulged in any such activities as alleged and he is ready to abide any condition and he is in judicial custody for the past 41 days and prays to enlarge the petitioner on bail.

4. The learned counsel for the petitioner in C.M.P.No.938/2026 submitted that the petitioner in and the defacto complainant had entered into a contract for the supply of aluminium scrap and the petitioner herein had no intention to cheat the defacto complainant even the company suffered a severe loss, the petitioner had repaid a sum of Rs.6,13,400/- from the contractual amount. Without proper enquiry, the respondent police registered the case. No previous case is registered against the petitioner. The bail application filed by the petitioner was dismissed by the learned Judicial Magistrate No.1, Coimbatore in CMP No.1238/2026 on 16-02-2026. The petitioner is in judicial custody for the past 40 days and he is ready to abide any conditions imposed by this Court and prays to enlarge the petitioner on bail. The learned counsel has further submitted that without prejudice to the petitioner, the petitioner is ready to deposit a sum of Rs.10.0 lakhs.

5. The learned counsel for the defacto complainant has submitted that A-3 has played vital part in this case. The accused received amount from the defacto complainant with an intention to cheat the defacto complainant and even after receipt of entire amount of Rs.17.24 lakh, A-1 neither supplied the materials nor refunded the amount. The entire transaction was pre-planned, fraudulent and executed in furtherance of the accused common intention. Out of the Rs.17.24 lakhs, the accused had transferred a sum of Rs.4,00,000/- to the defacto complainant and remaining amount is yet to be recovered. As of now, A-2 is still absconding and at this stage, if the petitioner in the respective petitions are enlarged on bail, they will tamper the witnesses and prays to dismiss the petitions.

6. The learned Public Prosecutor has submitted that there are totally 3 accused in this case. **The petitioner in C.M.P.No.938/2026 is arrayed as A-1. The petitioner in C.M.P.No.923/2026 is arrayed as A-3.** A-2 is still absconding. The defacto complainant is doing scrap business. A-1 and A-3 were also doing the scrap business. A-2 is the mediator and he has received commission amount of a sum of Rs.20,000/- from the cheated amount. A-2 introduced A-1 to the defacto complainant. The defacto complainant approached A-1 for business purpose and ordered for 6700 kgs of scrap and A-1 assured to send the said scrap to the defacto complainant company. On the desire words of A-1, the defacto complainant transferred a sum of Rs.17.24 lakh. The learned Public Prosecutor has further submitted that from the investigation, it reveals that, all the accused conspired together to cheat the defacto

complainant and sent GST bills as if materials loaded in the lorry. Since the materials were not delivered to the defacto complainant, on suspicious, the defacto complainant and the director of the defacto complainant company went to Bangalore to return back the money from the accused. But the accused cheated the defacto complainant. In this case, the amount is not yet recovered. No previous case is reported against the petitioner in the respective petitions. Investigation is still pending.

7. This Court has considered the submissions made by both side. The petitioner in C.M.P.No.923/2026 is arrayed as A-3. The petitioner in C.M.P.No.938/2026 is arrayed as A-1. As per the prosecution case, by giving false promise for supply of scrap, the accused cheated the defacto complainant to the tune of Rs.17.24 lakh. It is the contention of the learned counsel for the petitioner in C.M.P.No.938/2026 that, on contract basis, the agreement was executed and the accused returned a sum of Rs.6.45 lakh to the defacto complainant and the petitioner is in prison for the past 41 days and the petitioner is ready to deposit a sum of Rs.10,00,000/-. It is the contention of the learned counsel for the petitioner in C.M.P.No.923/2026 that, this petitioner is known to A-1 and A-2 and he has not committed any offence as alleged and he is in judicial custody for the past 40 days and prays to enlarge the petitioner on bail. The learned counsel for the intervener has submitted that the accused received a sum of Rs.17,24,000/- and assured that they will send scrap to the defacto complainant, however, they had returned only a sum of Rs.4 lakh and failed to settle the remaining amount. The learned Public Prosecutor has submitted that on the desire words of the accused, the defacto complainant transferred a sum of Rs.17.24 lakh for supply of the scrap materials and while so the accused neither supplied the materials nor returned the amount paid by the defacto complainant and in this case, the amount is not yet recovered and investigation is still pending.

8. Taking into consideration of all the above, considering the nature of offence, period of incarceration undergone by the petitioner in the respective petitions, considering the quantum of amount involved in this case, as the petitioner in C.M.P.No.938/2026 is ready to deposit a sum of Rs.10,00,000/-, **this Court is inclined to grant bail to the petitioner in the respective petitions subject to the following conditions:-**

- (i) The petitioner in the respective petitions is ordered to be enlarged on bail on their executing a bond for Rs.10,000/- each with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.1, Coimbatore.
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identity.
- (iii) The petitioner in C.M.P.No.938/2026 is directed to deposit a sum of **Rs.10,00,000/-** [Rupees Ten Lakhs only] in Crime No.398/2025 of Thudiyalur

Police Station, before the learned Judicial Magistrate No.1, Coimbatore at the time of producing sureties. On such deposit, the learned Judicial Magistrate No.1, Coimbatore is directed to deposit the said amount in any one of the Nationalized bank initially for a period of 12 months and periodically renewable.

(iv) The petitioner in the respective petitions is directed to sign before the respondent police, daily at 10.00 a.m. until further orders.

(v) The petitioner in the respective petitions shall not abscond either during investigation or trial.

(vi) The petitioner in the respective petitions shall not tamper with evidence or witness either during investigation or trial.

(vii) On breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in the respective petitions in accordance with law as if the conditions have been imposed and the petitioner in the respective petitions 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]**.

(viii) If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

(ix) Final order in respect of the deposit amount will be passed by the trial Court in the final judgment / order.

This common order is dictated to steno-typist, typed by her, corrected and pronounced by me on this 16th day of March, 2026.

PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.

CC to :

1. The Judicial Magistrate Court No.1, Coimbatore.
2. The Public Prosecutor, Coimbatore.
3. The Inspector of Police, Thudiyalur Police Station,
4. Counsel for the Petitioner in the respective petitions / Accused.
5. Counsel for the defacto complainant / intervener.