

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PRINCIPAL DISTRICT AND SESSIONS COURT,
KANCHEEPURAM

PRESENT: Tmt. Deepthi Arivunithi, M.L.,
Principal District and Sessions Judge,
Principal District & Sessions Court ,
Kancheepuram.

Wednesday the 1st day of April 2026

CrI.M.P.No. 595/2026

1. S.M. Ibrahim, M/51 years
S/o. Sudalaimuthu
No. 16A, Nehru Street
Chinna Porur, Tiruvallur 600 116.

2. M. Vigneshkumar, M/34 years
S/o. Manohar
No. 2, Anna Nagar Extension
Vasanthan Nagar, Nandambakkam
Chennai 600 089.

...Petitioners/Accused

// Vs //

State: Represented by
The Inspector of Police,
Oragadam Police Station
Kancheepuram District.

Cr.No. 06/2026

. . . Respondent/Complainant

This petition came up before me for final hearing today which was filed by M/s J.P. Karthikeyan, M. Balaji, Counsels appearing for the petitioner and the reply submitted by the police through Mr.E.L. Kannan, the Public Prosecutor appearing for the respondent, upon hearing the arguments from the counsels on both sides, upon perusing the entire records of the case, this Court passed the following:-

ORDER

The petitioners who apprehends arrest at the hands of the respondent police for alleged offences under sections 344, 316(4), 306, 318(4) of BNS has filed the present petition seeking anticipatory bail.

The learned counsel for the petitioners/accused has filed the present petition

for anticipatory bail application on the ground that no offence as stated by the prosecution has taken place and that a false case has been foisted upon them. He would state that the defacto complainant company is operating in SIPCOT Industrial park in Oragadam. It is the case of the defacto complainant that the petitioners/accused are arrayed as A.1 and A.2. along with other co-accused have committed fraudulent activities with the help of their company employees. It is stated that the petitioners/accused have illegally removed functional goods by stating them as scrap materials. The theft of the spare parts by tampering with the tare weight of the vehicles was brought to the notice at the time of Audit due to which the present case came to be registered. The 1st petitioner/accused has long standing business relationship with the defacto complainant and he has been purchasing scrap worth about Rs. 4 to Rs.5 Crores . The arrangement was on going for the last eight years and the substantial business of volume of Rs. 40 crores was continuing till October 2025. The company entrance is secured by a single main gate which is manned by twenty security personnel and therefore high level vigilance and expertise have scrutinizing the products taken by the petitioners/accused herein. The scrap goods are procured based on online bidding process and the bid is awarded to the highest bidder. The payment is made online and the petitioners/accused shall proceed to collect the scrap goods. The vehicle is taken to a weighbridge outside the company premises and the weight is recorded. Therefore, all standard procedures to ensure accurate weight measurement is done for the scrap materials collected. This scrap materials are collected based on the production of records and vehicle documents and only after verification of the same they are authorized entire the company premises. The area is under CCTV coverage and the loading of scrap materials is shown in the presence of security personnel, contract supervisor and direct company employees. Therefore, no offence as stated by the respondent police would have taken place. The present complaint is given as an after thought by the defacto complainant after the Audit is said to have taken place and the business was continued with the petitioners/accused till October 2025. Further, he would point out

that the co-accused namely A.3 was enlarged on anticipatory bail by the Hon'ble High Court of Madras in Crl.O.P.No.7723/2026 by order dated 26.03.2026 and On these grounds he would pray for grant of anticipatory bail.

The learned Public Prosecutor on behalf of the respondent police would strongly oppose to the grant of anticipatory bail on the ground that the petitioners/accused A.1 and A.2 are the main accused who are said to have taken the good products along with the scrap materials with an intention to cheat the defacto complainant. He would state that the materials were worth around Rs.4 crores and the products were taken with the connivance of the employees of the defacto complainant herein who were already arrayed as an accused. The petitioners/accused have acted in a calculated manner and have taken the products out of the defacto complainant premises. He would state that the investigation is pending in a preliminary stage and no arrest is made so far and on these grounds he would oppose for grant of anticipatory bail.

Heard the parties concerned and perused the relevant records. Upon perusal of records, it is seen that the case of the defacto complainant is that the materials taken as scrap by the petitioners/accused herein were products in a running condition which were sold to the petitioners/accused for profit and thus it was found that the defacto complainant was cheated by the petitioners/accused herein. Admittedly the petitioners/accused are scrap dealers who had contract with the defacto complainant and all the transactions are recorded in documents. It is also to be noted that the tender documents and the bid of the petitioners/accused and the materials involved are already documented and are available on record. While so, the Hon'ble High Court of Madras in Crl.O.P.No. 7723/2026 by order dated 26.03.2026 also observed that the case involves documentary evidence and therefore the custodial interrogation may not be necessary in the present case. Hence, considering the facts and circumstances and also the fact that the petitioners/accused are ready to co-operate with the investigation agency, this court is inclined to grant anticipatory bail on condition.

Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of this order, before the Judicial Magistrate, Sriperumbudur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 concerned may obtain a copy of their Aadhar Card or Bank Pass Book to confirm their identity.
- (b) the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.
- (c) the petitioner shall not tamper with evidence/hamper investigation and shall not influence the witness(es) in any manner 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 as laid down by the Hon'ble Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].
- (f) If the petitioner thereafter absconds, the prosecution shall be at liberty to register a fresh FIR under Section 269 of BNS.

Additional Conditions

(i) the petitioner/accused shall surrender before the Investigation officer in Cr.No.365/2025 * 06/2026 within a period of one week from today.

(ii) on his surrender the Investigation Officer shall be at liberty to take the petitioner into custody and shall release the petitioner after conducting the interrogation not less than 48 hrs from the date of surrender on execution of bond a sum of Rs.10,000/- to the satisfaction of the Investigation Officer.

* amended as per order on office note dated: 02.04.2026

(iii) the custody shall be deemed to be a custody u/s 167(ii) of Cr.P.C.

The said conditions are imposed inline with the directions of the Hon'ble Supreme Court in Gurbaksh Singh Sibbia v. State of Punjab (1980) 2 SCC 565 and the decision in Satender Kumar Antil vs. Central Bureau of Investigation (2021) 10 SCC 773.

//This order has been dictated by me to the Stenographer, typed by her in the computer, corrected and pronounced by me in the Court on this Wednesday the 1st day of April 2026.//

Sd./- Deepthi Arivunithi

Principal District and Sessions Judge,
Principal District and Sessions Court ,
Kancheepuram

To

1. The Judicial Magistrate, Sriperumbudur
2. The Inspector of Police, Oragadam Police Station
3. The Public Prosecutor
4. The Counsel for Petitioners.