

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15. 11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.24371 of 2016

R.Kumaramurugan

...Petitioner

Vs.

State rep. by
Inspector of Police
Team No.1, Central Crime Branch,
Vepery, Chennai-600 007.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 (1)(b) of Cr.P.C to modify the condition nos.2, 3 and 4 dated 20.09.2016 made in CrI.MP.No.2065 of 2016 on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr.B.Kumarasamy
For Respondent : Mr.C. Emalias
Addl. Public Prosecutor

O R D E R

This criminal original petition has been filed to modify the condition nos.2, 3 and 4 dated 20.09.2016 made in CrI.MP.No.2065 of 2016 on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The petitioner is an accused in CCB Crime No.486 of 2015 for offences under Sections 406, 420 and 506(ii) IPC on the allegation that he promised to get medical admission to the de-facto complainant and had received Rs.30 lakhs, but, reneged. The petitioner was arrested by the respondent police and released on bail. During investigation, the respondent police seized a HONDA ACTIVA bearing registration No. TN-07-CE-3499

belonging to the petitioner. The petitioner filed an application under Section 451 Cr.P.C in CrI.MP.No.2065 of 2016 before the XI Metropolitan Magistrate, Saidapet, Chennai-15. The XI Metropolitan Magistrate, Saidapet, Chennai, by order dated 20.09.2016, has returned the vehicle to the petitioner on condition that he should execute a bond for Rs.50,000/- with one surety. He also directed that the original registration certificate book should be kept in the safe custody of the Court. Aggrieved by the aforesaid condition, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that the surety amount of Rs.50,000/- is indeed very high and prayed for reduction of the surety amount. He also submitted that the petitioner will require the original registration certificate book, now and then, for the purpose of renewal of vehicle insurance.

5. Per contra, the learned Additional Public Prosecutor submitted that the petitioner had cheated the de-facto complainant for Rs.30 lakhs and therefore the Court should not show any indulgence to the petitioner.

6. This Court gave its anxious consideration to the rival submissions.

7. The vehicle involved is HONDA ACTIVA and in the interest of justice, the surety amount is reduced from Rs.50,000/- to Rs.30,000/-. As and when the petitioner requires the original registration certificate book, he may file an application before the XI Metropolitan Magistrate, Saidapet, Chennai and take interim custody of the original registration certificate book and return the same soon after the purpose is solved. Rest of the conditions imposed by the XI Metropolitan Magistrate, Saidapet, Chennai shall remain the same.

With the above modifications, this petition is ordered.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1 The XI Metropolitan Magistrate, Saidapet, Chennai

2 Do Thro The Chief Metropolitan Magistrate, Egmore, Chennai

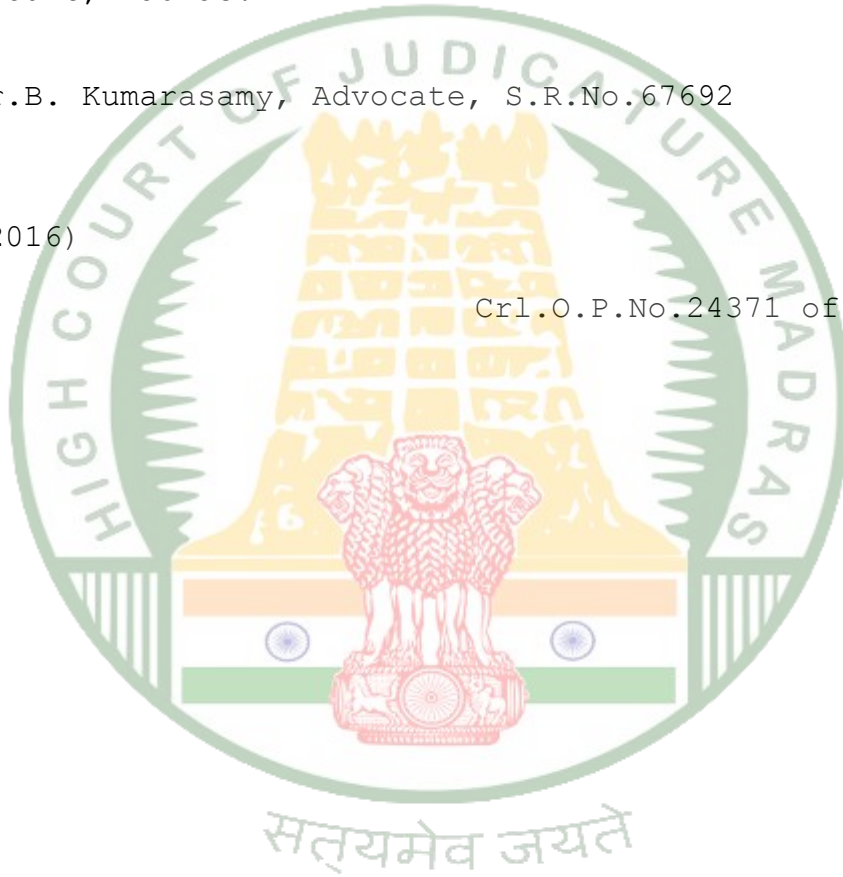
3. Inspector of Police
Team No.1, Central Crime Branch,
Vepery, Chennai-600 007.

4. The Public Prosecutor
High Court, Madras.

+1cc to Mr.B. Kumarasamy, Advocate, S.R.No.67692

NR(CO)
md(28/11/2016)

CrI.O.P.No.24371 of 2016



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