

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.25818 of 2016

Vishnu Easvarakumar

.. Petitioner

Vs

State rep. by
The Inspector of Police
Mahalingapuram Police Station,
Coimbatore District.
(Crime No.408 of 2011)

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to modify the condition imposed by the Judicial Magistrate Court No.II, Pollachi, by its order dated 16.12.2014 made in Crl.MP.No.7755 of 2014, as to execute a bond for a sum of Rs.25,000/- instead of the condition that the petitioner has to deposit a sum of Rs.25,000/- as Court deposit.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

This criminal original petition has been filed with the following prayer: "to modify the condition dated 16.12.2014 made in Crl.MP.No.7755 of 2014 by the Judicial Magistrate Court No.II, Pollachi, to execute a bond for a sum of Rs.25,000/- instead of the condition that the petitioner has to deposit a sum of Rs.25,000/- as Court deposit."

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

3. On the complaint lodged by one Selvaraj, the respondent police registered a case in Crime No.408 of 2011 for offences under Sections 147, 448, 294(b), 324, 506(ii), 379 (N.P.) of IPC r/w Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. During the course of investigation, the petitioner was granted anticipatory bail.

4. It is the case of the de-facto complainant that the petitioner and his family members had damaged the windows and the motor bike of the de-facto complainant. During investigation, the police seized the Hero Honda Splendor bike bearing registration No.TN 41 M 1256 belonging to the

petitioner, as it was found that the accused used the bike for the commission of the aforesaid offences. After seizure, the police produced the motor bike before the Judicial Magistrate No.2, Pollachi and the same is kept in the police station.

5. The petitioner filed M.P.No.7755 of 2014 under Section 451 Cr.P.C for interim custody of the motor bike on a condition that the petitioner should execute a bond of Rs.10,000/- with two sureties and deposit Rs.25,000/- into the Court. The petitioner was not able to mobilize Rs.25,000/- and so, he could not take the interim custody of the motor bike till date. Therefore, the petitioner is before this Court to modify the aforesaid condition.

6. On notice, learned Additional Public Prosecutor submitted that the motor bike is available in the police station.

7. Taking into consideration, the fact that the interim custody order was passed in the year 2014, and till date, the petitioner has not been able to take custody of the motor bike, since he is not able to arrange a sum of Rs.25,000/- as directed by the Judicial Magistrate No.2, Pollachi. The order dated 16.12.2014 passed in CMP.No.7755 of 2014 by the Judicial Magistrate No.2, Pollachi is modified to the effect that the condition to deposit Rs.25,000/- is deleted. Rest of the conditions imposed in the imguned order shall remain the same.

With the above modification, this petition is ordered.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate II, Pollachi.

2. The Inspector of Police
Mahalingapuram Police Station,
Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.

++1CC to Mr.R.Sasikumar, Advocate SR.71470

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SK(22/12/2016)

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