

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.6009 of 2017

Sankari

... Petitioner

Vs

State rep. by
Inspector of Police,
V-6, Kolathur Police Station,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition no.1, imposed in Cr.M.P.No.829 of 2017 on 17.03.2017 by the Hon'ble V Metropolitan Magistrate at Allikulam.

For Petitioner : Mr.D.Chandrasekar

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the condition No.1 imposed on the petitioner by the learned V Metropolitan Magistrate, Allikulam Complex, Chennai-3, in Cr.L.M.P.No.829 of 2017 in V6.PS Cr.No.451 of 2016 dated 17.03.2017.

2. It is the case of the petitioner that she filed a petition in Cr.L.M.P.No.829 of 2017 under Section 451 Cr.P.C before the learned V Metropolitan Magistrate, Chennai-3, praying for interim custody of the vehicle viz., Chevrolet Sail bearing Regn.No.PY 01 DW 6891, which is the case property in Cr.No. 451/2016, on the file of the respondent police. By order dated 17.03.2017, the learned Magistrate ordered interim custody of the vehicle in question in favour of the petitioner, however, subject to certain conditions, the first condition of which is that the petitioner shall execute a bond for a sum of Rs.5,00,000/- with one surety each for the like sum and the surety shall be an owner of movable or immovable property worth more than Rs.5,00,000/- and shall furnish necessary documents. Aggrieved over the same, the petitioner is before this Court with the present petition seeking modification.

3. Learned counsel for the petitioner submitted that the present market value of the property in question is only Rs.3,00,000/-, but the learned Magistrate has imposed such condition more than the value of the same, which is onerous. Learned counsel further submitted that the petitioner does not have any movable or immovable property worth about more than Rs.5,00,000/- except the property in question. Therefore, learned counsel seeks for modification of the said condition.

4. Heard the learned Additional Public Prosecutor for the respondent.

5. Considering the facts and circumstances of the case and also taking note of the inability of the petitioner, this Court is inclined to modify the condition No.1 imposed on the petitioner by the learned V Metropolitan Magistrate at Allikulam, Chennai -3 in Crl.M.P. No.829 of 2017 dated 17.03.2017, as follows:

"The petitioner shall furnish surety by a Government servant for a sum of Rs.5,00,000/- to the satisfaction of the learned V Metropolitan Magistrate at Allikulam, Chennai"

The other conditions remain unaltered.

6. Accordingly, this Criminal Original Petition is ordered.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The V Metropolitan Magistrate,
Allikulam, Chennai.

2. The Inspector of Police,
V-6, Kolathur Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Chandrasekar, Advocate, S.R.No.20114

Crl.O.P.No.6009 of 2017

SK(CO)
CA(13/04/2017)