



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Thirteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.8338 of 2017
IN
CRL RC (MD) No.335 of 2013

ANKUNATHAN

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT
(CR.NO.2/2013)

... RESPONDENT/RESPONDENT

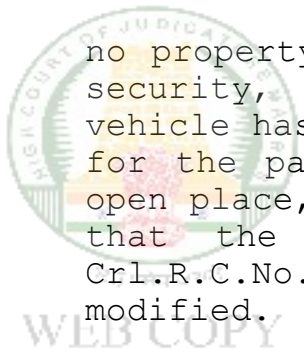
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modifying the condition as the petitioner to execute personnel bond for Rs.5,00,000/-instead of the petitioner shall offer property security to the tune of Rs.5,00,000/- before the Learned Judicial Magistrate, Thirumangalam which was one of the condition imposed on the petitioner in the order dated 28.01.2014 passed in Crl.R.C.(MD). No.335 of 2013 by this Honourable Court

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.MURUGAPPAN, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

This Court, by an order dated 28.01.2014 in Crl.R.C.No.335 of 2013, passed an order granting interim custody of a tractor to the petitioner on condition that the petitioner shall offer a property security to the tune of Rs.5,00,000/- to the satisfaction of the learned Judicial Magistrate, Thirumangalam and also execute a bond for a sum of Rs.2,00,000/- with two sureties for a likesum. Now, contending that the petitioner is not able to furnish the property security, as directed by this Court, the petitioner has filed this petition, seeking to modify the condition.

2.I have heard Mr.R.Murugappan, the learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, the learned Additional Public Prosecutor, appearing for the respondent.

3.The learned counsel appearing for the petitioner contended that the order was passed on 28.01.2014. Since the petitioner has



no property in his name, he is not in a position to offer property security, as directed by this Court and due to that reason, his vehicle has been kept in the custody of the police in the open place for the past three years and if it is allowed to continue in the open place, it will be heavily damaged. Hence, he makes a submission that the order passed, by this Court, dated 28.01.2014 in Crl.R.C.No.335 of 2013 with regard to property security may be modified.

4.The learned Additional Public Prosecutor submitted that this Court directed the petitioner to furnish a property security to the tune of Rs.5,00,000/- in the year 2014. Now, after three years, he has approached this Court by way of this petition, seeking modification.

5.Considering the fact that the order has been passed on 28.01.2014 and the vehicle being a tractor is used for agricultural purposes and also considering the fact that the petitioner is also not in a position to offer property security and the vehicle is also belong to the petitioner, he need not be directed to furnish any property security and the condition imposed by this Court is modified as follows:

"The petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees two lakhs only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Thirumangalam and comply with other conditions, imposed by this Court in the order dated 28.01.2014."

6.In fine, this petition is ordered accordingly.

sd/-

13/09/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.8338 of 2017 IN
CRL RC(MD) No.335 of 2013
Date :13/09/2017