

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20912 of 2018

Gopi .. Petitioner/Accused

Vs

State rep. by
Inspector of Police,
P-1 Pulianthope Police Station,
Chennai .. Respondent/ complainant

Criminal Original Petition filed under Section 482 Cr.P.C., praying to modify one of condition imposed in Crl.M.P.No.2794 of 2018 dated 09.07.2018 by the V Metropolitan Magistrate, Egmore, Chennai that the petitioner shall execute a bond for a sum of Rs.50,000/- with two sureties each for the like sum, the sureties shall be a owner of movable or immovable property worth more than Rs.50,000/- and he shall furnish necessary documents.

For Petitioner : Mr.S.Prabudoss
For Respondent : Mr.C.Raghavan, Govt. Advocate

ORDER

On the complaint lodged by one Prakash, the respondent registered a case in Pulianthope Police Station Crime No.294 of 2018 on 10.05.2018 under Section 143, 147, 341, 294[b], 323 and 506[1] IPC against five accused. It is the case of Prakash that he had parked his Passion Pro motor bike bearing registration number TN05 8995 near a hotel on 09.05.2018 and after taking food when he returned, he did not find his bike. However, he found another Passion Pro bike bearing registration number TN04 AC2295. He thought that the owner of that bike must have mistakenly taken away his bike. When he checked the tank bag, he found a phone number and called that number. A lady picked up the phone and he told her that his bike is missing, but whereas, he has found another bike, for which, the lady told him that the latter bike belongs to her family. It appears that the accused came to the residence of Prakash, attacked him and took away the Passion Pro bike No.TN04 AC2295 and dropped the bike No. TN05 8995. Hence, the complaint and the consequent FIR.

The petitioner who is the owner of TN04 AC2295 Passion Pro bike is not an accused in Crime No.294 of 2018. It is the case of the petitioner that his brother-in-law Murugan [A1] had taken the bike and had committed the said offence. All the four accused were arrested and the bike was recovered. The petitioner filed CrI.M.P.No.2794 of 2018 in P-1 Pulianthope Police Station Crime No.294 of 2018 under Section 451 Cr.P.C. for return of the bike. The learned V Metropolitan Magistrate, by order dated 09.07.2018, has directed the return of the bike on certain conditions, one of which is, "1.The petitioner shall execute a bond for a sum of Rs.50,000/- with two sureties each for the like sum. The sureties shall be a owner of movable or immovable property worth more than Rs.50,000/- and he shall furnish necessary documents." Aggrieved by the said condition, the petitioner is before this Court.

2.Learned counsel for the petitioner submitted that the said condition is very onerous and the same may be reduced.

3.Taking into consideration the facts and circumstances of the case, this Court is of the view that interest of justice will be served, if the condition is modified and the bond amount is reduced from Rs.50,000/- to Rs.25,000/-. Accordingly, the bond amount of Rs.50,000/- is reduced to Rs.25,000/-. Rest of the conditions shall remain the same. As and when the petitioner wants modification of any other condition, it is open to the petitioner to approach the V Metropolitan Magistrate Court, Egmore, Chennai and he need not approach this Court again.

With the above modification, this petition is ordered accordingly.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1.V Metropolitan Magistrate Court,
Egmore, Chennai.

2.Inspector of Police,
P-1 Pulianthope Police Station, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1 CC TO MR.S.PRABHU DOSS Advocate SR.NO. 58969(30/8/18)

CRL.OP.No.20912 of 2018

ASK (28/08/2018)