

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7619 of 2019

R.Nareshkumar

... Petitioner

Vs.

State rep, by:
The Inspector of Police,
V-6, Kolathur Police Station,
Kolathur, Chennai.
(Crime No.669 of 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the the order passed in Crl.M.P.No.214 of 2019 dated 28.01.2019 on the file of V Metropolitan Magistrate, Egmore, Chennai, in so far as furnishing two sureties to the value of Rs.5,00,000/- for return of the car bearing Reg.No.TN-03-D-3169 (Mahindra Zylo) pending investigation in Crime No.669 of 2018 on the file of respondent.

For Petitioner : Mr.C.V.Kumar

For Respondent : Mr.C.Raghavan
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed seeking to modify that the order dated 28.01.2019 made in Crl.M.P.No.214 of 2019, on the file of the learned V Metropolitan Magistrate, Egmore, Chennai.

2. It is seen that the conditions imposed by the learned V Metropolitan Magistrate, Egmore, Chennai, dated 28.01.2019, on certain conditions, which is as follows:

" 3. Admittedly in this case the case property is lying in the police station premises. Considering the facts and circumstances of the case, this Court views, it

is of no use to keep the case property in the police station premises for a long period. Further for prolonged detention, the condition of the case property is likely to be deteriorated day to day and thereby the cost of the case property will be affected. Hence, it is ordered that the case property (Car bearing registration No. TN03-D-3169), be handed over to the petitioner towards interim custody on the following conditions:

1. The petitioner shall execute a bond for a sum of Rs.5,00,000/- with two sureties each for the like sum. The sureties shall be a owner of movable or immovable property worth more than Rs.5,00,000/- and he shall furnish necessary documents.
2. The petitioner shall produce original RC book before this Court.
3. The petitioner shall file an affidavit of undertaking not to sell or otherwise alienate the case property and shall produce the vehicle before this Court as and when required.
4. The petitioner shall take photographs of case property and counter signs photograph and produce the same before the Court.
5. It is ordered to report this order to concerned Motor Vehicle Registering Authority."

3. The learned counsel for the petitioner submitted that the petitioner is the absolute owner of the car bearing Reg.No.TN-03-D-3169 (Mahindra Zylo) and he gave the above vehicle to the accused only for their urgent work. The learned counsel for the petitioner submitted that the value of the car is only Rs.2,00,000/- and it is a old one and the petitioner has no relatives or friends who possess immovable property worth more than Rs.5,00,000/- and on the other hand he has got relatives and friends who possess Aadhar card, ration card and RC book of the vehicle. Hence, he prays for modification of the order dated 28.01.2019.

6. Considering the facts and circumstances of the case, this Court is inclined to modify the condition No.(1) imposed by the V Metropolitan Magistrate, Egmore, Chennai to the effect that the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) together with two blood sureties for the like sum to the satisfaction of the V

Metropolitan Magistrate, Egmore, Chennai. All other conditions imposed in CrI.M.P.No.214 of 2019 shall remain intact.

7. Accordingly, this Criminal Original Petition stands modified.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssr/vsn

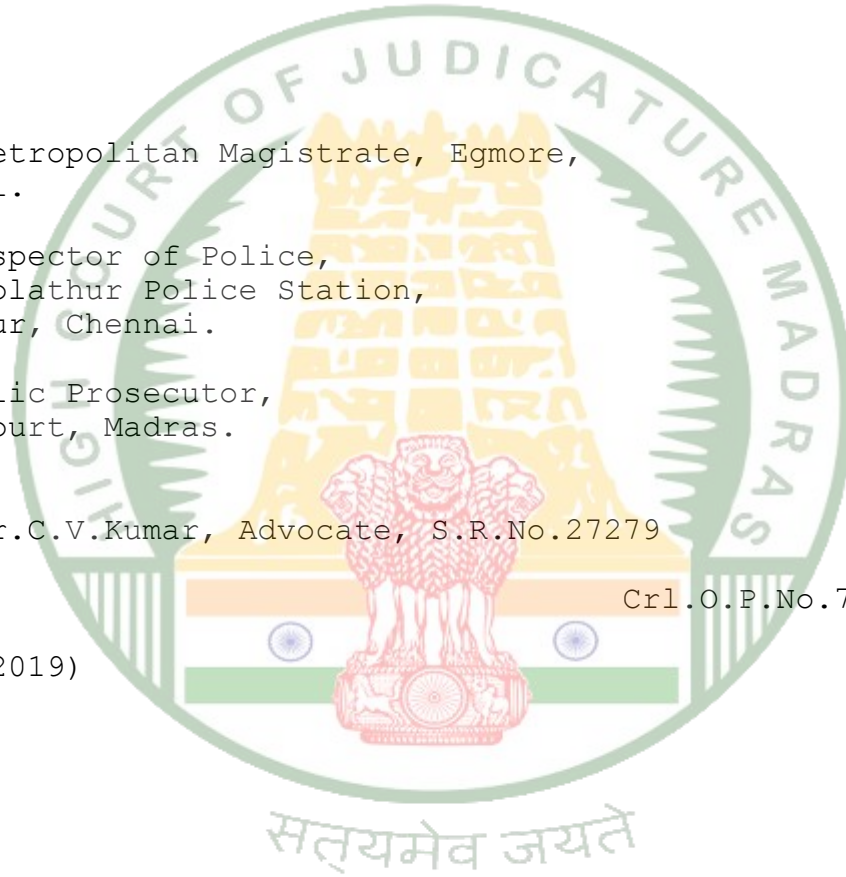
To

- 1.The V Metropolitan Magistrate, Egmore,
Chennai.
2. The Inspector of Police,
V-6, Kolathur Police Station,
Kolathur, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.V.Kumar, Advocate, S.R.No.27279

(CO)
CB(23/04/2019)

CrI.O.P.No.7619 of 2019



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