

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.07.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.19479 of 2019

M/s.K.S.Minerals,
Rep. by its Authorized Signatory,
Mr.Palani
Having office at
No.46/40, Le Royal Kahatra 2nd Floor,
MGR Road, Kalakahatra Colony,
Besant Nagar,
Chennai 600 090.

... Petitioner

Vs.

State: Rep. By,
The Inspector of Police,
Central Crime Branch,
Team XII, Bank Fraud Prevention Wing,
Chennai.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to modify the condition passed in Crl.M.P.No.3465 of 2019 on the file of CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.R.Muthukumar
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for modification of the condition imposed by the Court below while ordering release of vehicle in favour of the petitioner.

2.The petitioner is the owner of the Car. This Car was involved in an offence and the respondent police pursuant to the FIR registered in Crime No.58 of 2019 have proceeded to seize the Car belonging to the petitioner. The Car was also produced before the Court below. The petitioner is not an accused in this case.

3.The petitioner filed a petition seeking for return of vehicle. The petition was allowed by the Court below by an order dated 03.07.2019. While allowing the petition, the Court below

imposed certain conditions. The petitioner is aggrieved by the first condition imposed by the Court below wherein the petitioner has been directed to execute a bond for the value of the Car along with sureties for a likesum.

4.The learned Counsel for the petitioner submitted that the condition imposed by the Court below is onerous and such a condition is not required in view of the fact that the petitioner is not even an accused in the case.

5.Heard the learned Additional Public Prosecutor appearing on behalf of the respondent police.

6.Taking into consideration the facts and circumstances of the case, this Court is of the considered view that the first condition imposed by the Court below is onerous. Accordingly the said condition is modified to the extent that the petitioner shall execute a bond for a sum of Rs.10,000/- with one surety for a likesum. The other conditions imposed by the Court below shall stand as it is.

7.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

jas/vs

To

1.The CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai-8.

2.The Inspector of Police,
Central Crime Branch,
Team XII, Bank Fraud Prevention Wing,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Muthukumar, Advocate sr.63791

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nr 14/08/2019



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