

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.21457 of 2019

Anumanthan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Thiruninravur Police Station,
Chennai.

Cr.No.651 of 2019.

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to modify the condition that the petitioner shall deposit sum of Rs.10,000/- for two JCBs bearing Registration No.TN 12 B 0312 and TN 12 Y 7845 to the into the credit of Crime No.651 of 2019 on the file of Thiruninravur Police Station before the concerned Magistrate instead of Rs.1,00,000/- for each vehicle for the order passed on 31.07.2019 in Crl.M.P.No.3485 of 2019.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to modify the condition imposed by the Court below while allowing the petition filed by the petitioner to return of the vehicle.

2.The two JCBs belonging to the petitioner were seized by the respondent police in the course of investigation in Crime No.651 of 2019. The petitioner filed a petition for return of the vehicle. The Court below on the facts and circumstances of the case, was pleased to allow the petition by imposing certain conditions.

3.The petitioner is aggrieved by the 5th condition imposed by the Court below wherein, the petitioner was directed to deposit a sum of Rs.1,00,000/-(Rupees One Lakh only) for each vehicle.

4.The learned Counsel for the petitioner submitted that the condition imposed by the Court below is onerous and the petitioner is not in a position to comply with the condition. The learned Counsel further submitted that both the JCBs are new vehicles which are yet to be registered and the vehicles are not involved in the alleged offence.

5.The learned Additional Public Prosecutor on instructions submitted that the petitioner is not involved in any previous offence.

6.Taking into consideration the facts and circumstances of the case, the 5th condition imposed by the court below directing the petitioner to deposit a sum of Rs.1,00,000/- for each vehicle is hereby set aside. The other conditions imposed by the Court below shall stand as it is.

7.This Criminal Original Petition is disposed of accordingly.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

jas/vs
To

1.The Inspector of Police,
Thiruninravur Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.T.Muruganantham, Advocate sr 69081.

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KS(CO)
SP(14/08/2019)