

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.21705 of 2019

Karthikeyan

..Petitioner/Accused No.3

Vs.

The State,
Rep by its Inspector of Police,
Puliyampatti Police Station,
Puliyampatti,
Erode District.

..Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed in C.M.P.No.946 of 2019 in Crime No.505 of 2018 on the file of Judicial Magistrate, Sathyamangalam order dated 10.05.2019.

For Petitioner : M/s.N.Priyadharshini

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

O R D E R

This petition has been filed challenging the condition imposed by the Court below while allowing the application filed by the petitioner for return of the vehicle.

2.The respondent police in the course of investigation in Crime No.505 of 2018 had seized the vehicle belonging to the petitioner and produced it before the Court. The petitioner has been added as A3 in the FIR. The petitioner filed an application seeking for return of the vehicle.

3.The Court below after considering the facts and circumstances of the case, was pleased to release the vehicle by imposing 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 a sum of Rs.5,00,000/-(Rupees Five Lakhs only) with two sureties for a likesum.

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 said condition. The learned Counsel further submitted that the Court below ought not to have imposed such a condition and the same is not warranted on the facts of this 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, the first condition imposed by the Court below is modified to the effect that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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/-
Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

jas/vs

To

1. The Inspector of Police,
Puliyampatti Police Station,
Puliyampatti,
Erode District.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Sugendran, Advocate, S.R.No.68810

CA(CO)
SSM(12/09/2019)

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