

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.288 of 2020

Dinesh ... Petitioner/Defacto Complainant

Vs.

1. State by
The Sub Inspector of Police,
Katpadi Police Station. ...1st Respondent/Complainant
2. The Branch Manager,
State Bank of India,
Vellore Branch,
155, Officer's Line,
Vellore-1.
3. The Manager,
Karur Vysya Bank,
Vellore Branch,
114/67, Arcot Road,
Vellore-4.
4. The Branch Manager,
City Union Bank,
Vellore Branch,
29, Arcot Road,
Vellore-4. ...Respondent 2 to 4/Respondents 2 to 4

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to modify the condition imposed in Crl.MP.No.2874 of 2018 dated 06.10.2018 by the learned Judicial Magistrate, Katpadi that the petitioner shall execute a bond for Rs.10,28,500/- (Rupees Ten lakhs twenty eight thousand only) along with one surety for like sum and instead permit our company viz SIS Prosecur Holding Pvt Ltd., to produce a Solvency Certificate and execute a bond for Rs.10,28,500/- (Rupees Ten lakhs twenty eight thousand five hundred only) without any other surety.

For Petitioner : Mr.S.Ravikumar

For Respondents : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

O R D E R

This petition has been filed to modify the order passed by the learned Judicial Magistrate, Katpadi in Cr.M.P.No.2874 of 2018 dated 06.10.2018.

2. The learned counsel for the petitioner has submitted that based on the complaint lodged by the petitioner, a case was registered by the first respondent in Crime No.59 of 2018 under Sections 454, 380, 409 and 120-B IPC. He further submitted that during investigation, the first respondent has seized a sum of Rs.10,28,500/- and produced before the learned Judicial Magistrate, Katpadi and the same was remanded in C.P.No.66 of 2018. He further submitted that since the said amount belongs to the petitioner's company, the petitioner has filed a petition under Section 451 of Cr.P.C before the trial court seeking interim custody and the trial court by the order dated 09.11.2018 has allowed the said petition directing to return the said amount to the petitioner on conditions that the petitioner shall execute a bond of Rs.10,28,500/- along with one surety for a likesum (condition No.1) and the petitioner shall deposit the above amount into the court as and when required by the court and to that effect, he shall file an undertaking letter. He further submitted that the petitioner can execute a bond of Rs.10,28,500/-, but it is difficult for the petitioner to produce a surety and hence he requests to modify the condition No.1.

3. The learned Additional Public Prosecutor has submitted that he is leaving it to the discretion of the court.

4. Considering the aforesaid submissions, the condition No.1 imposed by the learned Judicial Magistrate, Katpadi, in the order passed in Crl.MP.No.2874 of 2018 dated 06.10.2018 is modified to the effect that the petitioner shall execute a bond for Rs.10,28,500/- (Rupees Ten Lakhs Twenty Eight Thousand and Five Hundred only).

5. With the aforesaid modifications, this petition is disposed of.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Sub Inspector of Police,
Katpadi Police Station.
2. The Branch Manager,
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114/67, Arcot Road,
Vellore-4.
4. The Branch Manager,
City Union Bank,
Vellore Branch,
29, Arcot Road,
Vellore-4.
5. The Judicial Magistrate,
Katpadi.
6. The Chief Judicial Magistrate,
Vellore.
7. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Ravikumar, Advocate Sr.No.16793

AKM/03.03.2020 /3P-9C/

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