



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.O.P.(MD)No. 8326 of 2020

WEB COPY

A. Maharajan

... Petitioner

Vs.

The Inspector of Police,,
Puliyampatti Police Station,
Puliyampatti, Thoothukudi District.
(Crime No.10 of 2020)

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Principal Sessions Judge, Thoothukudi to accept the personal bond to be executed by the petitioner herein in pursuance of the order, dated 18.03.2020 passed in Cr.M.P.No.1049 of 2020 on the file of the Principal Sessions Court, Thoothukudi in Crime No. 10 of 2020 on the file of the respondent police.

For Petitioner	: Mr.N. Pragalathan
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

O R D E R

This petition has been filed seeking direction to the learned Principal Sessions Judge, Thoothukudi to accept the personal bond to be executed by the petitioner in pursuance of the order, dated 18.03.2020; passed in Cr.M.P.No.1049 of 2020 on the file of the Principal Sessions Court, Thoothukudi.

2.Today, when the petition is came up for hearing, the learned counsel appearing for the petitioner would submit that the petitioner is the owner of the lorry bearing Registration No.TN 42 4248. In earlier, at the time of investigating the First Information Report registered in Crime No.10 of 2020, under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, the Respondent herein had recovered the above said vehicle and thereafter, the same was produced before the Principal Sessions Court, Thoothukudi, in which, the First Information Report has been pending. Subsequent to that, the petitioner herein filed an application under Section 451 Cr.P.C for the relief to release the said lorry. While at the time of disposing the said petition in Cr.M.P.No.1049 of 2020, the learned Principal Sessions Judge, Thoothukudi, on 18.03.2020, allowed the application filed by the petitioner and ordered to be returned the vehicle to the petitioner with the following conditions:



(i) the petitioner is directed to deposit a cash security of Rs.25,000/- (Rupees Twenty Five Thousand only) before this Court;

(ii) the petitioner is directed to execute a personal bond for a sum of Rs.60,000/- (Rupees Sixty Thousand only) towards 10% value of the lorry;

(iii) the petitioner shall not make any alteration or to alienate the vehicle in any manner till the trial is over;

(iv) the petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future;

(v) the petitioner would produce the vehicle as and when required by the Court;

(vi) the petitioner shall produce all original documents pertaining to the ownership of the vehicle.

After the said order, dated 18.03.2020, so far the petitioner has not approached the concerned Court and fulfil the conditions imposed in the said order.

3. Only in the said circumstances, the petitioner has approached this Court, with this application. In fact, along with this application, the petitioner has not produced any document to show that the Presiding Officer of the Court, in which, the property was remanded, refused to receive the personal bond for a sum of Rs.60,000/- (Rupees Sixty Thousand) from the petitioner. Moreover, the conditions imposed by the learned Principal Sessions Judge is not an onerous one. Therefore, in the absence of any proof to show that the Presiding Officer has refused to accept the personal bond, filing this application is unnecessary. Therefore, the petitioner is directed to go and execute a personal bond for a sum of Rs.60,000/- (Rupees Sixty Thousand) as directed by the Principal Sessions Judge, Thoothukudi, in the order, dated 18.03.2020. In otherwise, the petition is not having any merits and therefore, the petition is liable to be dismissed.

4. In view of the above discussions, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The Principal Sessions Judge,
Tuticorin.
2. The Inspector of Police,,
Puliyampatti Police Station,
Puliyampatti, Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No. 8326 of 2020
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VB (21.08.2020) 3P 4C