

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE **MR.JUSTICE V.BHARATHIDASAN**

Crl.O.P.No.336 of 2021

D.Dhanaram
S/o.Dholaram

.. Petitioner

Vs.

The State Represented by
The Inspector of Police,
P-6, Kondungaiyur Police Station
Chennai

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439(1)(b) of the Code of Criminal Procedure, to modify the condition "The petitioner shall execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) along with a surety for the like sum" passed in Crl.M.P No.12169 of 2020 on the file of the X Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.S.Ravichandran

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for modification of the condition imposed in CrI.M.P No.12169 of 2020 by the X Metropolitan Magistrate, Egmore, Chennai.

2. The petitioner is the owner of the vehicle, namely Mahindra and Mahindra/Imperio SC VX bearing Registration No.TN-37 CV 6229 and it has been seized while transporting banned Tobacco products weighing 1084.800 kgs illegally. Subsequently, the petitioner filed an application seeking for release of the vehicle under Section 451 of Cr.P.C and the Court below allowed the said application with condition that the petitioner shall execute a bond for a sum of Rs.10,00,000/- along with a surety for the like sum. To modify the aforesaid condition, the present petition has been filed.

3. The learned counsel for the petitioner submitted that eventhough the Court below has issued a direction to execute the bond for a sum of Rs.10,00,000/-, the petitioner is not in a position to produce such an immovable property document and hence, he seeks for modification of the surety amount.

4. The learned Additional Public Prosecutor appearing for the respondent opposed to allow this petition.

5. Considering the facts and circumstances of the case, this Court is inclined to modify the condition imposed in CrI.M.P No.12169 of 2020 by the X Metropolitan Magistrate, Egmore, Chennai and the petitioner is directed to the execute a bond for a sum of Rs.5,00,000/- (Rupees five lakhs only) along with a surety for the like sum instead of executing a bond for a sum of Rs.10,00,000/- (Rupees ten lakhs only) ordered by the Court below. The other condition imposed by the Court below shall stand unaltered.

6. This Criminal Original Petition is disposed of, with the above modification.

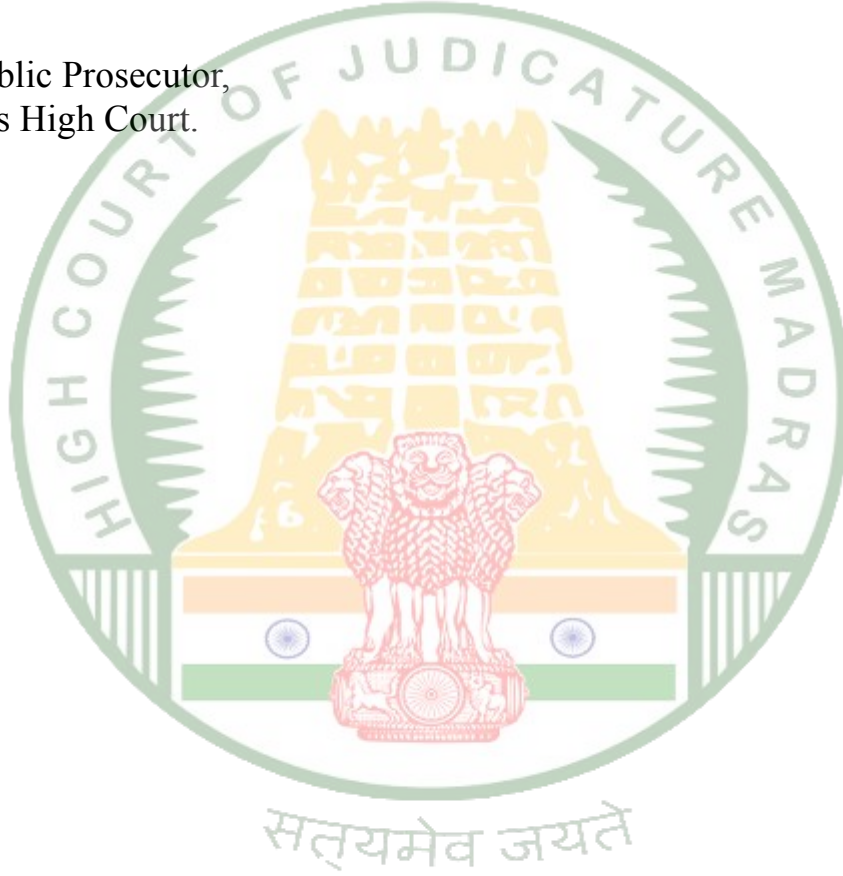
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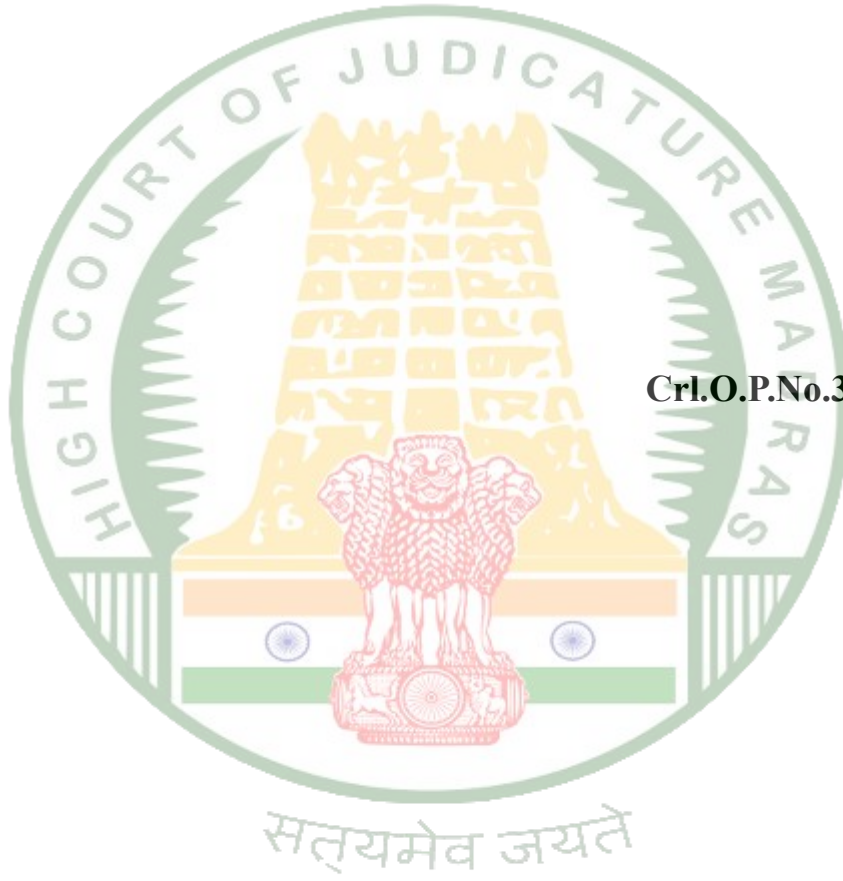
1. The X Metropolitan Magistrate
Egmore, Chennai.
2. The Inspector of Police,
P-6, Kondungaiyur Police Station
Chennai
3. The Public Prosecutor,
Madras High Court.



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V.BHARATHIDASAN,J

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