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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P. No.13289 of 2021

M.Yuvaraj

... Petitioner

Vs.

State rep. by,
Inspector of Police,
R-6 Kumaran Nagar Police Station,
Jaffarkhanpet,
Chennai - 600 083.
(Crime No.1230/2020)

... Respondent

Criminal original petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition imposed in Crl.M.P. No.1450 of 2021 in Cr.No.1230 of 2021 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai - 15 in so far as the condition No. a namely " (a) That the petitioner shall execute a bond with solvency certificate from revenue department for Rs.7,00,000/-.

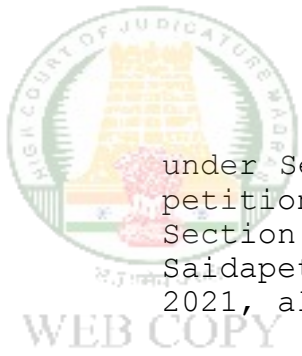
For Petitioner : Mr. K.Vijayaragavan

For Respondent : Mr. A.Damodaran
Counsel for Govt. of Tamilnadu
(Criminal Side)

ORDER

This Criminal Original Petition has been filed to modify the condition imposed in Crl.M.P. No.1450 of 2021 in Cr.No.1230 of 2021 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai - 15 in so far as the condition No. 'a' namely " (a) That the petitioner shall execute a bond with solvency certificate from revenue department for Rs.7,00,000/-.

2. The petitioner is the owner of the vehicle viz., Maruti Suzuki - Swift Dzire VXi Car bearing registration number TN 05 BC 7738, which was seized in Crime No.1230 of 2020, for offence



under Section 420 and 406 IPC. To release the said vehicle, the petitioner has filed a petition for return of property under Section 451 Cr.P.C. The learned XXIII Metropolitan Magistrate, Saidapet, Chennai, by order, dated 02.03.2021 in M.P. No.1450 of 2021, allowed the petition with terms and conditions.

3.The gist of the case is that on 15.08.2020, one Anandhakumar/defacto complainant in Crime No.1230 of 2020 lodged a complaint against the accused viz., Surya Prabhu, Manibharathi and Karuppuswamy, stating that the defacto complainant was having two cars viz., Hyundai 110 (TN 04 AE 1807) and Maruthi Swift (TN 04 R 3350). The cars were entrusted to the accused on the promise that the accused would pay Rs.28,500/- as rent, for which an agreement was entered. The payment was made up to August 2019 and thereafter, the rents were not paid. Whenever the defacto complainant approached for rent of the care. A1 represented that the cars were with A2 and A3. When A2 and A3 were enquired, the defacto complainant was threatened not to ask rent or return of cars. The defacto complainant also came to know that the accused not only cheated him, but also cheated the petitioner and 10 others and usurped their cars, he lodged a complaint to the respondent Police.

4.The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle viz., Maruti Suzuki - Swift Dzire VXi Car bearing registration number TN 05 BC 7738, which is one of the cars entrusted to the accused, who deceived and cheated the defacto complainant/husband of the petitioner. He further submitted that the petitioner's car was seized by the respondent Police, the petitioner being the owner filed a petition with supporting documents seeking return of car. Hence he filed a petition in CrI.M.P. No.1450 of 2021 in Cr.No.1230 of 2021. The learned XXIII Metropolitan Magistrate, Saidapaet, Chennai -15, allowed the petition with terms and conditions. The grievance of the petitioner is that condition 'a' imposed by the Court below is onerous and such value of bond should not be insisted as a condition for the purpose of releasing the vehicle which is not involved in a criminal case.

5.The learned counsel appearing for the Government of Tamil Nadu (Criminal side) submits that even this Court while granting the release of vehicle, imposed such a condition. Hence, the Court below after taking into consideration, the facts and circumstances of the case, imposed such conditions.

6. Heard the learned counsel for the petitioner and the learned counsel appearing for the Government of Tamilnadu (Criminal Side).



7. Taking into consideration, the facts and circumstances of the case, the condition 'a' imposed by the Court below is modified to the extent that " the petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand) alone to the satisfaction of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai." The other conditions imposed by the Court below shall stand as it is.

8.This Criminal Original Petition is allowed by modifying the order of the Court below to the extent indicated herein above.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The XXIII Metropolitan Magistrate Court,
Saidapet,
Chennai.

2.The Inspector of Police,
R-6 Kumaran Nagar Police Station,
Jaffarkhanpet,
Chennai - 600 083.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Vijayaraghavan, Advocate, S.R.No.37248

CrI.O.P. No.13289 of 2021

SS(CO)
CB(23/08/2021)