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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15358 of 2021

Anvesh

... Petitioner/Accused No.2

Versus

State rep. by its
The Inspector of Police,
Thakkolam Police Station,
Ranipet District, Vellore District.
(Crime No. 259 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Principal District and Sessions Judge at Vellore District to accept the petitioner's petition filed under Section 451 of Cr.P.C., in CrI.M.P.S.R.No.5707 of 2021 on 26.07.2021.

For Petitioner : Mr.D.Dayalan

For Respondents : Mr.A.Damodaran
Government Advocate (CrI.Side)

ORDER

This petition has been filed to direct the learned Principal District and Sessions Judge at Vellore District to accept the petitioner's petition filed under Section 451 of Cr.P.C., in CrI.M.P.S.R.No.5707 of 2021 on 26.07.2021.

2. The petitioner, who is the second accused in Crime No.259 of 2020 for the offence under Sections 430, 379 of IPC and 21(1) of Mines & Minerals (Development & Regulation) Act, 1957, has filed this petition seeking a direction to the Principal



District and Sessions Judge, Vellore District to accept the petition filed under Section 451 of Cr.P.C., in CrI.M.P.SR.No.5707 of 2021 dated 29.07.2021 and pass orders on merits.

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3. The contention of the petitioner is that the Lower Court failed to entertain the petition seeking return of property, namely, his JCB vehicle bearing Reg.No.TN-73-R-2525. The vehicle was seized in Crime number No.259 of 2020 and the same was produced before the Court in C.P.No.224 of 2021 dated 13.07.2021. The petitioner was arrested and later granted station bail on 30.07.2021 on execution of a surety. The Lower Court without considering the same, had returned the petition filed for return of property, for want of a copy of the bail order.

4. The learned Government Advocate (CrI.Side) submitted that in this case, the petitioner was arrested on 11.07.2021 and he was granted Station bail by the Inspector of Police, Arakonam Police Station, which is enclosed in the typed set of papers.

5. On a perusal of records, it is seen that the vehicle JCB bearing Reg.No.TN-73-R-2525 involved in Crime No.259 of 2020 had been seized and produced before the Judicial Magistrate, Arakonam and C.P.No.224 of 2021 was assigned. Further, the petitioner obtained bail, which is not in dispute.

6. In view of the same, the Principal District and Sessions Judge, Vellore is directed to entertain the petition filed by the petitioner in CrI.M.P.Sr.No.5707 of 2021 and dispose of the same in accordance with law. If any clarification is needed with regard to the bail and seizure of the property and deposit of the same before Judicial Magistrate, Arakonam, the same can be sought from the respondent police namely, Thakkolam Police Station, Ranipet District.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar



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1.The Principal District and Sessions Judge,
Vellore District.

2.The Judicial Magistrate, Arakonam.

3.The Inspector of Police,
Thakkolam Police Station,
Ranipet District.
(Crime No. 259 of 2020)

4.The Public Prosecutor
High Court, Madras.

+1cc to M/s.D.Dayalan, Advocate, S.R.No.45581

CRL.O.P.No.15358 of 2021

SPD(CO)
SB(24/09/2021)