



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18582 OF 2021

M.Nazar

... Petitioner

Vs

The State represented by  
The Inspector of Police,  
Sholavaram Police Station,  
(Crime No.371 of 2021).

... Respondent

PRAYER:

Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to modify the condition that the petitioner shall execute a personal bond for a sum of Rs.4,00,000/- along with two surety for a like sum imposed in clause 'a' and reduce the deposit a sum of Rs.50,000/- as non-refundable deposit through RTGS/NEFT in favour of the "Shelter Trust Home for Special Children, 167, Revathi Nagar, Vilangadupakkam Redhills, Chennai - 52 in clause 'f' in Crl.M.P.No.4224/2021 on the file of the Judicial Magistrate No.1, at Tiruvallur.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Mr.R.Vinoth Raja  
Govt.Advocate (Crl.Side)

ORDER

The petitioner has filed this Criminal Original Petition seeking modification of the condition imposed on 24.08.2021 in Crl.M.P.No.4224 of 2021 interim custody of his vehicle and machines viz. Tata Motors-SFC 709/38 bearing Registration No.TN-23-F1-1570 lorry, Disintegrator machine with 7.5H.P. Electrical Motor and Packing Machine with 3 H.P. Electrical Motor, which were seized in Crime No.371 of 2021.

2.The lower Court, by order dated 24.08.2021, ordered interim custody of the lorry and machines to the petitioner on certain conditions.



3.The petitioner is aggrieved as regards the condition "f" directing the petitioner to deposit a sum of Rs.50,000/- as non refundable through RTGS/NEFT in favour of the "Shelter Trust Home for Special Children, 167, Revathi Nagar, Vilangadupakkam Redhills, Chennai 52".

4.The learned counsel for the petitioner submits that the petitioner is running a business for the past several years, there is no single allegation against the petitioner as alleged in the F.I.R. The FIR was registered with an ulterior intention and to spoil his business and life of the petitioner.

5.The learned Govt. Advocate (Crl.side) submits that in this case, the respondent police received information that the petitioner was adulterating ash in Cement and selling the same to others. Therefore, inspection was made, the petitioner was selling the cement impurity with ash. Questioning the same, the petitioner was quarreling and threatening the respondent. Therefore, the vehicle and machines has been seized.

6. Considering the submission of the learned Additional Public Prosecutor, this Court is not inclined to modify the criminal original petition. Accordingly, the criminal original petition is dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nr/sms

To

1. The Judicial Magistrate No.1, Tiruvallur.

2. The Inspector of Police,  
Sholavaram Police Station  
(Crime No.371 of 2021)

3. The Public Prosecutor,  
High Court, Madras.

+2ccs to Mr.K.Prabhakaran, Advocate, S.R.No.55666

CRL.O.P.No.18582 of 2021

BP(CO)  
PM/02/12/2021