



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.19853 OF 2021

Jeeva @ Jeevan ...Petitioner / Owner of the Vehicle
Versus

State Rep. by the Inspector of Police,
Hudco Police Station,
Krishnagiri District. ...Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the order passed by the Learned Judicial Magistrate, No.II, Hosur, Krishnagiri District in Crl.M.P.No.1675/2021 dated 09.09.2021 as regular sureties instead of clause (a) & (f) i.e. (1) The petitioner shall execute a bond for vehicle Rs.4,00,000/- as two blood sureties (2) further directed to produce Rs.4,00,000/- value of original documents.

For Petitioners : Mr.E.Kannadasan.

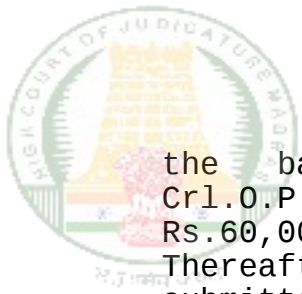
For Respondents : Mr.R.Vinothraja,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to modify the order passed by the Judicial Magistrate No.II, Hosur, Krishnagiri in Crl.M.P.No.1675 of 2021 dated 09.09.2021.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in Crime No.119 of 2021 for the offences under Sections 364(A), 365, 383, 387 I.P.C. He has filed a petition in Cr.M.P.No.1675 of 2021 seeking return of Maruthi Ritz LDI Car bearing No.KA-05-AF-7298 before the Judicial Magistrate No.II, (FAC), Hosur and the Judicial Magistrate, by an order dated 09.11.2021, allowed the same and ordered return of the car with certain conditions. Aggrieved with the condition No.1 and 6, the present petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner was arrested along with 3 others. Earlier, when



the bail petition was considered by this court in CrI.O.P.No.8547 of 2021, the petitioner was directed to deposit Rs.60,000/- and the same was deposited by the petitioner. Thereafter, the petitioner was let out on bail. He further submitted that the petitioner is the owner of the Maruthi Ritz LDI car. He had hired out the vehicle and his lively-hood depends on the car. Now, the vehicle, which is seized by the respondent, is kept in open air at the police station. It will diminish the value of the car. While allowing the petition for return of the vehicle, the condition imposed by this Court to produce Rupees four lakhs valuable original document, is an onerous one.

4. The learned Government Advocate (crl.side) submitted that the petitioner is an accused in Crime No.119 of 2021 and the lower Court, after considering all the facts, granted return of property to the petitioner with such conditions.

5. Considering the submissions and also finding that the petitioner is sustaining himself by renting it on hire, and his lively-hood now suffered, and already the petitioner had deposited a sum of Rs.60,000/- during the bail proceedings and other conditions are there to secure the car.

6. In view of the same, condition No.1 and 6 in the order of the learned Judicial Magistrate, No.II, Hosur, Krishnagiri District in CrI.M.P.No.1675 of 2021, dated 09.09.2021 is modified as follows:

- 1) The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakhs only) with two sureties
 - 6) The petitioner is directed to produce Rs.1,00,000/- (Rupees one lakh only) value of original documents.
- Other conditions remains unaltered.

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

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

mrp/mdl

To

1.The Judicial Magistrate, No.II,
Hosur, Krishnagiri District.



2.(do through) The Chief Judicial Magistrate,
krishnagiri.

3.The Inspector of Police,
Hudco Police Station,
Krishnagiri District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Kannadasan, Advocate SR.No.55750

CRL.O.P.No.19853 of 2021

GJ(CO)
RVM(01/11/2021)