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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.24230 of 2021

Baskar

... Petitioner

Versus

The State
Represented by
the Inspector of Police,
Perambalur Police Station,
Perambalur District
Crime No.1390 of 2020
R.P.No.69 of 2020

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition order dated 03.09.2020 passed in Crl.M.P.No.1646 of 2020 in Crime No.1390 of 2020 on the file of the Court of the Judicial Magistrate No.1 at Perambalur that is second condition to execute a bond for valuation of vehicle with two sureties.

For Petitioner : Mr.S.Venkatesh

For Respondents: Mr.Raj Thilak
Additional Public Prosecutor

O R D E R

This petition has been filed to modify the condition order dated 03.09.2020 passed in Crl.M.P.No.1646 of 2020 in Crime No.1390 of 2020 on the file of the Court of the Judicial Magistrate No.1 at Perambalur, i.e., the second condition to execute a bond for valuation of vehicle with two sureties.

2. The grievance of the petitioner is that the petitioner had filed return of property petition in Crl.M.P.No.1646 of 2020. The Lower Court by the order dated 03.09.2020 had directed return of the Mahindra Bolero Four



Wheeler bearing registration No.TN-37-CU-2478 with certain conditions. The condition No.2 is that the petitioner had to execute a bond for valuation of vehicle with two sureties. The Lower Court insisted the petitioner to execute a bond for Rs.12,00,000/- being the original value of the vehicle, which was purchased in the year 2017. As on date, after depreciation the vehicle is valued around Rs.3,00,000/-. The petitioner is forced to execute a bond of Rs.12,00,000/- with two like sum sureties. With such an onerous condition the petitioner is unable to execute sureties and get back the vehicle, now the vehicle is being exposed to vagaries of weather and the value of the vehicle is getting depreciated. The petitioner produced in his typed set the original certificate of the vehicle and a copy of the insurance of the vehicle. The vehicle is valued around Rs.3,00,000/- by the insurer, taking into consideration of the depreciation of the vehicle.

3. The learned Additional Public Prosecutor submitted that the petitioner is the owner of the vehicle involved in Crime No.1390 of 2020 for the offence under Sections 147, 148, 294(b), 323, 448, 363, 506(ii) IPC. The petitioner along with five others kidnapped the defacto complainant for ransom. Even in the First Information Report the petitioner's vehicle is recorded. The Trial Court returned the vehicle to the petitioner imposing certain conditions. The conditions are appropriate, considering the role played by the petitioner in the offence.

4. Considering the submissions and on perusal of materials, it is seen that the vehicle purchased in February 2017. It is more than 4 years now and the value of the vehicle at the time of purchase cannot now be the same. Further, the petitioner had purchased the vehicle by way of, vehicle loan from Cholamandalam Investment & Finance. The vehicle value as per record is Rs.7,99,128/-. Further, taking into consideration the depreciation value for four years, the vehicle would be now around Rs.3,00,000/- which is rightly registered in the insurance policy.

5. In view of the same, this Court is inclined to modify the condition No.2 directing the petitioner to execute a bond for Rs.1,00,000/- with two sureties for like sum. The other condition imposed by the Lower Court stands unaltered.



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

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

dna/mdl
To

- 1.The Judicial Magistrate No.1,
Perambalur.
- 2.-Do- Thro' the Chief Judicial Magistrate,
Perambalur.
- 3.The Inspector of Police,
Perambalur Police Station,
Perambalur District.
- 4.The Public Prosecutor
High Court, Madras.

+lcc to Mr.S.Venkatesh, Advocate Sr.67270

Cr1.O.P.No.24230 of 2021

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srg 04/01/2022