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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P.No. 681 of 2022

Dayalan

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Pallikaranai Police Station
Chennai.
(Crime No. 619 of 2021)

... Respondent

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. praying to modify the condition that the petitioner should execute a bond for Rs.15,00,000/- (Fifteen Lakhs Only) with two solvent sureties for a like sum o the satisfaction of this Court in Crl.M.P.No.886 of 2021 dated 15.07.2021 before the learned Judicial Magistrate, Court No.II, Alandur.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This petition has been filed for modification of the condition imposed by the learned Judicial Magistrate, Court No. II, Alandur in Crl.M.P.No.886 of 2021 dated 15.07.2021.

2. The learned counsel for the petitioner would submit that the petitioner's vehicle was seized and and he had moved a petition to return the said seized vehicle before the learned Judicial Magistrate, Court No II, Alandur. On 15.07.2021, the said petition was ordered by the trial Court. Unfortunately, the learned trial Judge had imposed the following conditions:



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1. The petitioner should execute a bond for Rs.15,00,000/- (Fifteen Lakhs only) with two solvent sureties for a like sum to the satisfaction of this Court.

2. The property should not be sold or mortgaged.

3. There should not be any alteration and additions in the case property.

4. The property should be photographed in four angles and the photos with Negative or C.D should be submitted to this Court.

5. The petitioner shall file an affidavit of undertaking stating that (a) he will not alienate, encumber or change the physical feature of the above said property and the petitioner should produce the same as and when required by this Court.

6. The petitioner is directed to produce the case Property whenever required by this Court.

7. The properties are ordered to be returned to the Petitioner as interim custody after executing the Panchanama incorporating all the details of case property before this Court.

Therefore, he sought for modification of the conditions imposed by the learned Judicial Magistrate, Court No II, Alandur.

3. The learned counsel for the petitioner submits that the petitioner is not in a position for paying Rs.15 lakhs towards executing a bond and he is ready and willing to pay Rs.5 lakhs. Therefore, he prayed to reduce the sum to be paid for executing a bond as imposed by the learned Judicial Magistrate, Court No II, Alandur

4. Considering the nature of offences involved and the conditions imposed by the learned Judicial Magistrate is onerous, hence, this Court is of the view to modify the condition No.1 imposed in CrL.M.P.No.886 of 2021 i.e., The petitioner should execute a bond for Rs.15,00,000/- (Fifteen Lakhs only) with two solvent sureties for a like sum to the satisfaction of this Court as The petitioner shall execute a bond for Rs.5,00,000/- (Rupees Five Lakhs only) with two solvent sureties for a like sum to the satisfaction of learned Judicial Magistrate, Court No II, Alandur.



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6. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

dhk

To

- 1.The Judicial Magistrate
Court No.II, Alandur.
- 2.The Inspector of Police,
Pallikaranai Police Station
Chennai.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.

CRL.O.P.No.681 of 2022

BR(CO)
CB(08/07/2022)