



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4415 of 2022

S.Ashok Kumar

... Petitioner

Vs

The Sub Inspector of Police,  
K-4, Police Station,  
Anna Nagar, Chennai.  
(Crime No.50 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to modify the order passed in Crl.M.P.No.1270 of 2022 dated 11.02.2022 by the learned V Metropolitan Magistrate, Egmore, Chennai, insofar as the condition imposed at para 3(1) of the impugned order, directing the petitioner/owner of the property to execute a bond for a sum of Rs.1,00,000/- along with one surety for like sum and the further condition imposed at para 3(2) directing the petitioner to deposit the RC Book of the vehicle, for the purpose of release of the vehicle, viz., Two-Wheeler (M-Scooter) Yamaha R15 (V3) with Registration No.TN09 CP 2936.

For Petitioner : Mr.S.Baskaran

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to modify the order passed in Crl.M.P.No.1270 of 2022 dated 11.02.2022 by the learned V Metropolitan Magistrate, Egmore, Chennai.

2.The case of the petitioner is that he is the owner of the vehicle bearing Reg.No.TN09 CP 2936 [Yamaha R15 (V3)] and he is not an accused in this case. The said vehicle was stolen and on the complaint given by the Petitioner a case was registered in Crime No.50/2022 by the K4, Anna Nagar Police Station and the vehicle was seized and produced before the Court. The



petitioner has filed an application for return of property. The learned Judicial Magistrate by order dated 11.02.2022 in CrI.M.P.No.1270 of 2022, had ordered return of vehicle, imposing the following conditions:

1.The Petitioner/Owner of the property shall execute a bond for a sum of Rs.1,00,000/- along with one surety for like sum.

2.The Petitioner/Owner of the property shall take photographs of case property and counter signed in the photograph and produce the same before the Court and it should be certified u/s.65B of the Evidence Act, 1872. The Petitioner/Owner of the property should execute the panchanama in the said Judicial Form 82. The Petitioner/Owner of the property should deposit the R.C.book of the vehicle.'

The petitioner contending that the conditions imposed are onerous had filed the present petition seeking to modify the conditions.

3.Learned counsel for the petitioner would submit that the petitioner is the competent claimant and that as per the Rule 257 of the Criminal Rules of Practice, 2019, it is not necessary that the Courts in all cases to impose a condition that the property shall be preserved and produced as and when required. The petitioner had taken photographs of the vehicle as required under Section 65-B of the Central Act 1 of 1872 and the photograph have also been attested by the petitioner and the petitioner have also signed the Judicial Form 82. While such being so the conditions directing the petitioner who is a competent claimant to execute a bond for a sum of Rs.1,00,000/- along with one surety for like sum and directing to deposit RC Book of the vehicle is onerous and unwarranted. He would seek to modify the condition.

4.Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that the petitioner is the owner of the vehicle and he is not an accused in this case.

5.Heard both sides and perused the materials available on record.

6.Considering the fact that the petitioner is the owner of the vehicle and he is the victim, this Court is of the opinion that condition directing him to execute a bond for sum of Rs.1,00,000/- and directing him to deposit the RC book is onerous.



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7. In view of the above, condition No.1 and part of condition No.2 is modified to the following effect:

1. The Petitioner shall execute a own bond for a sum of Rs.5000/- and he shall file an affidavit of undertaking that he shall appear before the Trial Court for giving evidence as an when called for.

2. The petitioner shall produce the attested True copy of the RC Book of the vehicle before the Court.

The other conditions imposed by the learned V Metropolitan Magistrate, Egmore, Chennai, in CrI.M.P.No.1270/2022 dated 11.02.2022 is unaltered

8. With the above directions, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

shk/sai

To

1. The V Metropolitan Magistrate,  
Egmore, Chennai.

2. -do- Thro Chief Metropolitan Magistrate,  
Egmore, Chennai.

3. The Sub Inspector of Police,  
K-4, Police Station,  
Anna Nagar, Chennai.

4. The Public Prosecutor,  
Madras High Court,  
Madras.

+1cc to Mr.S.Baskaran, Advocate SR.No.12599

CrI.O.P.No.4415 of 2022

GPL(CO)  
CB(17/03/2022)