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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8623 of 2022

M.Tholkappian

... Petitioner

Vs

State rep. by  
The Inspector of Police,  
K-9, Thiru Vi.Ka.Nagar Police Station,  
Chennai 600 011.  
Crime No.1161 of 2021

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to modify the condition imposed by the V Metropolitan Magistrate Court, Egmore, Chennai in Crl.M.P.No.2911 of 2022 in Crime No.1161 of 2021 dated 02.03.2022 which requires the petitioner to execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only).

For Petitioner : Mr.K.Yuvaraj

For Respondent : A.Gokulakrishnan  
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to to modify the condition imposed by the V Metropolitan Magistrate Court, Egmore, Chennai in Crl.M.P.No.2911 of 2022 in Crime No.1161 of 2021 dated 02.03.2022 which requires the petitioner to execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only).

2.The learned counsel for the petitioner would submit that his two wheeler bearing Registration No. TN 20 CQ 0595 was seized by the respondent Police for the alleged offences under Sections 294(b), 397, 506(2) of IPC in Crime No.1161 of 2021. He would submit that the petitioner had filed the application seeking for return of property before the V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.2911 of 2022 and the



Court had passed an order dated 02.03.2022 directing the respondent Police to hand over the property to the petitioner with the condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- along with one surety.

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3. Learned Counsel for the petitioner would further submit that the value of the vehicle is only Rs.30,000/-, whereas the learned Judge had imposed onerous condition to execute a bond for Rs. 1,00,000/-. He would submit that the petitioner is unable to execute a bond, thereby, he is unable to take back the vehicle. He would reiterate that the condition imposed by the learned trial Judge is onerous.

4.Learned Additional Public Prosecutor would submit that the petitioner himself had expressed that the value of vehicle is Rs.30,000/-.

5.In view of the above, the condition No.1 is modified to the effect that the petitioner, who is the owner of the property shall execute a bond of Rs.15,000/- with one surety and all other conditions imposed by the trial Court shall remain unaltered. Accordingly, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vkr/nti

To

1. The V Metropolitan Magistrate Court,  
Egmore, Chennai.
2. The Inspector of Police,  
K-9, Thiru Vi.Ka.Nagar Police Station,  
Chennai 600 011.  
Crime No.1161 of 2021

3. The Public Prosecutor,  
High Court of Madras.

+lcc to Mr.D.Yuvarajan, Advocate, S.R.No.26501

Crl.O.P.No.8623 of 2022

SKM(CO)  
SU(04/05/2022)