



CrI.O.P. No. 32018 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P. No. 32018 of 2022

T.Katheresan,
S/o. Thanikodi

... Petitioner

Versus

The State
rep. by the Inspector of Police,
EOW II, Head Quarters,
Ashok Nagar, Chennai-600 083.
EWO Hqrs. Crime No.7 of 2022

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass an order to modify the condition Nos. 2 and 3 i.e. “2. The petitioner is directed to deposit a sum of Rs.25,00,000/- (Rupees twenty five lakhs only) in the form of Fixed Deposit in the name of Special Judge, Special Court under TNPID Act, Chennai in the credit of Crime



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No.07/2022 of EOW, Chennai. 3. The petitioner shall execute a bond for a sum of Rs.25,00,000/- (Rupees twenty five lakhs only) for the vehicle XUV 700 vehicle Registration No. TN-22 DV-3207, with one surety for a like sum to the satisfaction of this court passed by the Hon'ble Court of Special Judge for TNPID Act at Chennai in Crl.M.P. No.5083 of 2022 dated 15.12.2022.

For Petitioner : Mr.R.Venkatraman
For Respondent : Mr.Leonard Arul Jospeh Selvam,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to modify the condition Nos. 2 and 3 imposed in Crl.M.P.No.5083 of 2022 dated 15.12.2022 passed by the learned Special Judge, Special Court under TNPID Act, Chennai as follows :-

“2. The petitioner is directed to deposit a sum of Rs.25,00,000/- (Rupees twenty five lakhs only) in the form of Fixed Deposit in the name of Special Judge, Special Court under TNPID Act, Chennai in the credit of Crime No.07/2022 of EOW, Chennai.

3. The petitioner shall execute a bond for a sum of



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Rs.25,00,000/- (Rupees twenty five lakhs only) for the vehicle XUV 700 vehicle Registration No. TN-22 DV-3207, with one surety for a like sum to the satisfaction of this court.”

2. The learned counsel for the petitioner submitted that the petitioner is a bonafide purchaser of the car from the car dealer above mentioned and except the purchase of car, he is no way connected with the said occurrence as alleged by the respondent police. Hence, he is total stranger to the said Crime No.7 of 2022 pending on the file of respondent. He would submit that he is in custody for more than two months and he is a second purchaser. He would also submit that he is ready to surrender RC book. In the said circumstances, the present petition has been filed to modify the condition.

3. On seeing the facts, it reveals that the petitioner is a third purchaser of a car and except that, no other role played by the petitioner in the alleged offence involved in the crime. Furthermore, already there is an order passed by the trial court to surrender RC book, for which, the petitioner is also ready to surrender RC book. Considering the above facts and circumstances



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and on hearing both sides, this Court is inclined to modify the condition to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) in the form of fixed deposit in the name of Special Judge, Special Court under TNPID Act, Chennai in the credit of Crime No.07 of 2022 on the file of EOW, Chennai and also to surrender RC book before the respondent police. Accordingly, this Criminal Original Petition is ordered. Except the above modification, the other conditions imposed by the trial Court shall remain unaltered.

20.01.2023

Index: Yes/No
Internet: Yes/No
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To

1. Inspector of Police,
EOW II, Head Quarters,
Ashok Nagar, Chennai-600 083.

2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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