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Criminal Original Petition No.15992 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.15992 of 2023

S.Dhanam

W/o.V.Sagadevan

...Petitioner

Vs

The State

Rep. By its Inspector of Police,

Kannankuruchi Police Station,

Salem City, Salem

Crime No. 244 of 2019

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to set aside the order and modify the conditions 1 to 6 imposed in CMP No. 3557 of 2019 order dated 02.12.2019 on the file of the Principal Sessions Judge, Salem and consequent order dated 20.02.2020 in CMP No.1 of 2020 in CMP No. 3557 of 2019 on the file of the Principal Sessions Judge, Salem.

For Petitioner : Mr.A.M.Esakkiappan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

This Criminal Original Petition has been filed challenging the one of the condition imposed by the Court below while allowing the application filed by the petitioner u/s.451 Cr.P.C. for return of vehicle.

2. Heard Mr.A.M.Esakkiappan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. The petitioner is the owner of the vehicle and he has not been added as an accused in this case. This vehicle was seized by the respondent police in the course of investigation in Crime No.244 of 2019. The petitioner filed an application seeking for return of the vehicle u/s.451 Cr.P.C. The Court below allowed the application by order dated 02.12.2019 and the petitioner is aggrieved by condition No.1 and the same is extracted hereunder:

"1.that the petitioner shall execute a personal bond for a like sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties along with solvency certificate each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Salem."

4. In the considered view of this Court, the above condition requires



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modification considering the fact that the order was passed in the year 2019.

WEB COPY In view of the same, the same is modified as hereunder:

"The petitioner/owner of the vehicle shall execute a bond for a sum of Rs.1,00,000/- [Rupees One Lakh only] with two sureties each for a sum of Rs.10,000/- [Rupees Ten Thousand only] to the satisfaction of Court below "

All other conditions imposed by the Court below shall remain unaltered.

Accordingly, this Criminal Original Petition is disposed of .

18.07.2023

Index : Yes/No

Speaking order:Yes/No

Neutral citation:Yes/No

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To

1.The Inspector of Police,
Kannankuruchi Police Station,
Salem City, Salem.

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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