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Crl.O.P No.20573 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.20573 of 2023

Senthilkumar

S/o.Maruthamuthu

... Petitioner

VS.

State rep by

The Inspector of Police,

Keelapaluvur Police Station,

Ariyalur District.

(Crime No.117 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition “1. The petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in Crime No.117/2023 on the file of the Judicial Magistrate No.II, Ariyalur” passed in Crl.M.P.No.1769 of 2023 dated 11.08.2023 on the file of the Principal District and Sessions Court, Ariyalur.

For Petitioner : Mr.V.Illanchezian

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This petition has been filed challenging one of the conditions that was imposed by the Court below while allowing the application filed by the



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petitioner for release of vehicle, by directing the petitioner to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only).

2. Heard the learned counsel for petitioner and the learned Government Advocate (Crl. Side) appearing on behalf of the respondent Police.

3. The petitioner has filed an application under Sections 451 and 457 of Cr.P.C. for return of JCB which was seized by the respondent police in the course of investigation in Crime No.117 of 2023. The Court below, after considering the facts and circumstances of the case, was pleased to allow the application by imposing certain conditions. The petitioner is aggrieved by the following condition imposed by the Court below:

“1. The petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in Crime No.117 of 2023 on the file of the Judicial Magistrate No.II, Ariyalur.”

4. Taking into consideration the facts and circumstances of the case, it is seen that the petitioner has already been directed to execute a personal bond before the Court below for a sum of Rs.1,50,000/- with two sureties. In



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view of the same, it is not necessary to insist for any cash deposit. In view of the same, the first condition that was imposed by the Court below directing the petitioner to make cash deposit is hereby set aside. The other conditions shall remain as it is.

5. In the result, the Criminal Original Petition is allowed in the above terms.

07.09.2023
(1/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
rsi

Note: Issue order copy on 08.09.2023

To

- 1.The Inspector of Police,
Keelapaluvur Police Station,
Ariyalur District.
- 2.The Principal District and Sessions Judge,
Ariyalur.
- 3.The Public Prosecutor,
Madras High Court.



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N. ANAND VENKATESH, J.

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