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Crl.O.P.No.12608 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12608 of 2024

Dinesh

... Petitioner

Vs.

State by
Sub Inspector of Police,
Ariyoor Police Station,
Vellore District.
Crime No.66 of 2024
Respondent

...

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition dated 08.05.2024 passed in CMP No.4502 of 2024 by the Judicial Magistrate-I, Vellore:

1). Directing the petitioner to deposit a sum of Rs.1,00,000/- before the District Mines and Minerals Foundation Trust, Vellore, as non refundable deposit.

2). Directing the petitioner to execute a personal bond for Rs.10,00,000/- (Rupees Ten lakhs only) with 2 sureties for a like sum with insolvency certificate obtained from Tahsildar.

3). Directing the respondent police to write the crime number of the case on the side of the vehicle for the purpose of monitoring the vehicle.



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For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to modify the conditions dated 08.05.2024 passed in CMP No.4502 of 2024 by the Judicial Magistrate-I, Vellore.

2. The case of the petitioner is that the petitioner herein is an accused in Crime No.66 of 2024 on the file of the respondent for the offence under sections 379, 430 IPC and 21(l) of Mines and Minerals (Development and Regulation) Act 1957. The petitioner had filed an application in C.M.P.No.4502 of 2024 seeking release of his vehicle before the learned Judicial Magistrate No.1 at Vellore which was seized by the respondent police. The learned Judicial Magistrate vide order dated 08.05.2024, allowed the said petition by imposing certain conditions as follows;

1). the petitioner shall deposit a sum of Rs.1,00,000/- before the District Mines and Minerals Foundation Trust, Vellore, as non refundable deposit.



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2). the petitioner shall execute a personal bond for Rs.10,00,000/- (Rupees Ten lakhs only) with 2 sureties for a like sum with insolvency certificate obtained from Tahsildar.

3). While returning the property to the petitioner, the respondent police shall write the crime number of the case on the side of the vehicle for the purpose of monitoring the vehicle and prevent the same kind of offence in future.

3. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and he had no direct role to play in the alleged offence of carrying red sand in his vehicle which was driven by the second accused. Further, he submitted that the petitioner is earning income through his vehicle only and he has no means to pay the fine amount. According to the petitioner, the conditions imposed by the Court below are onerous and incapable of being complied with. Hence, the present petition is filed to modify the said conditions.

4. Heard the learned counsel appearing for the petitioner and the



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learned Government Advocate (Criminal Side) appearing for the official respondent and perused the materials available on record.

5. It is noticed that the petitioner's vehicle was involved in carrying three units of red sand. Considering the nature of offence and the absence of direct involvement of the petitioner in the alleged offence, this Court is inclined to modify the conditions No.1 and 2 alone.

6. Accordingly, the condition Nos.1 and 2, imposed by the Judicial Magistrate-I, Vellore, in CMP No.4502 of 2024 dated 08.05.2024 is modified as follows:

1). the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the District Mines and Minerals Foundation Trust, Vellore, as non refundable deposit.

2). the petitioner shall execute a personal bond for Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) with 2 sureties for a like sum with insolvency certificate obtained from Tahsildar.



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7. With the above modifications, this Criminal Original Petition is allowed. The rest of the conditions shall remain unaltered.

24.05.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate-I, Vellore:

2. The Sub Inspector of Police
Ariyoor Police Station
Vellore District



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C.SARAVANAN, J.

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