



WEB COPY



CrI.O.P.No.14242 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.14242 of 2024

Prema

... Petitioner

Vs.

State rep.by
The Inspector of Police,
S-9, Palavanthangal Police Station,
Chennai.
(Crime No.83 of 2022)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the impugned order dated 02.01.2022 in CrI.M.P.No.5506 of 2022 in Crime No.83 of 2022, on the file of the learned Judicial Magistrate No.1, Alandur and consequently modify the condition No.5(i) in CrI.M.P.No.5506 of 2022 in Crime No.83 of 2022 on the file of the learned Judicial Magistrate No.1, Alandur.

For Petitioner : Mr.V.Ramanareddy

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER

The petitioner herein, being a victim of the crime of chain snatching, had approached the Court below for return of her jewel pending disposal of the trial. The said application filed under Section 451



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of Cr.P.C., been allowed by the trial Court on condition. One such condition is to execute a bond for Rs.1,20,000/- along with one surety for the like sum.

2. The learned counsel appearing for the petitioner states that the said condition is very onerous, since the value of the jewel itself is only Rs.1,20,000/-. The trial Court ought not to have insisted for execution of bond for Rs.1,20,000/- along with one surety for the like sum. He further states that the Court below been insisting a bond supported by the document of property to ensure solvency.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police states that the bond/solvency certificate will arise in the case of bail. Criminal Rules of Practice, 2019, under chapter III speaks about bail and surety, in which, there is a provision under Rule 14(4) that if the amount of bond exceeds Rs.15,000/- the Head Ministerial Officer should check proof and submit the report to the Magistrate regarding the solvency. This condition may not apply to the return of property pending enquiry as contemplated under Rule 257 of Criminal Rules of Practice which falls under chapter XXXII. Further, submit that



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Form 50 to the Criminal Rules of Practice provides the format of the bond to be executed by the petitioner and the surety and in that format also there is no indication that the bond amount should be supported by solvency certificate.

4. This Court on perusing the above said provision and on perusing the order passed by the Court below under Section 451 Cr.P.C., finds that there is no mandate in the said order directing the petitioner herein to furnish solvency to an extent of Rs.1,20,000/- or the surety to furnish solvency certificate to the extent of Rs.1,20,000/-. Mere execution of bond as per the format found in Form 50 is sufficient. Hence the petitioner's apprehension is hereby dispelled by this clarification. regarding the allegations that the condition is very stringent and exorbitant.

5. This Court takes judicial notice of the fact that the property now though claims to be owned by the petitioner herein, it is given to her custody temporarily only till the disposal of the case and she is bound to

Dr.G.JAYACHANDRAN,J.

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produce to the Court as and when required. As on date the value of 3 sovereign gold jewel is over and above Rs.1,20,000/-. Therefore, the bond amount fixed by the trial Court cannot be taken as an exorbitant amount or onerous. With the above clarification, this Criminal Original Petition is disposed of.

20.06.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Inspector of Police,
S-9, Palavanthangal Police Station,
Chennai.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

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