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CRL.R.C.No.990 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.R.C.No.990 of 2024

V.Ayyanar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
K4, Anna Nagar Police Station,
Chennai.
(Crime No.80 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C., to call for the records in CrI.M.P.No.23921 of 2024 on the file of V Metropolitan Magistrate, Egmore and set aside the 1st condition that the petitioner shall execute a bond for a sum of Rs.75,000/- for the satisfaction of this Court imposed in order dated 09.05.2024.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

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

O R D E R



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The criminal revision is filed to set aside the condition No.3(1) imposed on the petitioner that "the petitioner/owner of the property shall execute a bond for a sum of Rs.75,000/- for the satisfaction of the Court", vide order dated 09.05.2024 passed in Crl.M.P.No.23921 of 2024 by the learned V Metropolitan Magistrate, Egmore.

2. The revision petitioner filed a petition in Crl.M.P.No.23921 of 2024 under Sections 451 and 457 of Cr.P.C., seeking interim custody of the vehicle viz., Honda Dio bearing Registration No.TN 02 BX 8536. The said petition was allowed by the learned V Metropolitan Magistrate, Egmore, on 09.05.2024, imposing certain conditions, in which, one of the conditions is that "the petitioner/owner of the property shall execute a bond for a sum of Rs.75,000/- for the satisfaction of the Court". Aggrieved over the said condition, the criminal revision is preferred by the revision petitioner.

3. The learned counsel for the petitioner contended that the



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petitioner is the owner of the aforementioned vehicle and his vehicle was stolen by unknown person and he has made a complaint before the respondent Police, based on which, a case in Crime No.80 of 2024 was registered for the offence under Section 379 IPC. Thereafter, the respondent Police recovered two wheeler from the accused person and kept the vehicle in Police Station. When he came to know about seizure, he has filed a petition in Crl.M.P.No.23921 of 2024 before the learned V Metropolitan Magistrate, Egmore and the trial Court has also allowed the petition, however, imposed onerous condition that "the petitioner/owner of the property shall execute a bond for a sum of Rs.75,000/- for the satisfaction of the Court". The petitioner is not the accused in the said crime number and has nothing to do with the said offence. In spite of that, the trial Court has imposed such onerous condition which is not sustainable one.

4. Mr.A.Gopinath, learned Government Advocate (Crl. side) appearing for the respondent contended that the vehicle was used for illegal purpose and the petitioner is the owner of the vehicle and therefore, the trial



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Court has rightly imposed the conditions which need not be interfered by this Court. Hence, he sought for dismissal of the petition.

5. It is seen from the records that the petitioner is the owner of the vehicle bearing Registration No.TN-02-BX-8536 and his vehicle is alleged to have been stolen by unknown person. In this regard, he has made a complaint before the respondent Police and a case in Crime No.80 of 2024 was registered for the offence under Section 379 IPC. Thereafter, his vehicle was seized by the respondent Police from the accused person and after coming to know about seizure, he has made a petition in CrI.M.P.No.23921 of 2024 before the learned V Metropolitan Magistrate, Egmore and the same was allowed by imposing certain conditions and one of the conditions is that "the petitioner/owner of the property shall execute a bond for a sum of Rs.75,000/- for the satisfaction of the Court". As contended by the learned counsel appearing for the petitioner, the petitioner is the owner of the vehicle and has nothing to do with the alleged offence, for which, his vehicle was seized by the respondent Police and since his



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vehicle was stolen by the accused person, he has also made a complaint before the Police, on which, a case in Crime No.80 of 2024 was registered. Therefore, imposing such onerous condition on the petitioner is not sustainable one and hence, the condition No.3(1) imposed on the petitioner vide order dated 09.05.2024 passed in Crl.M.P.No.23921 of 2024 by the learned V Metropolitan Magistrate, Egmore, is alone set aside and rest of the conditions remains unaltered.

6. Accordingly, this Criminal Revision Case is allowed.

13.06.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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Note: Issue order copy by 14.06.2024.

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1. The learned V Metropolitan Magistrate, Egmore.
2. The Inspector of Police,
K4 Anna Nagar Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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