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CrI.O.P.No.16520 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

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

CrI.O.P.No.16520 of 2024

D.Selvam

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
K-1, Sembium Police Station,
Chennai.
Crime No.405 of 2023

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order of the learned V Metropolitan Magistrate, Egmore, Chennai passed in CrI.M.P.No.30811 of 2024 dated 06.06.2024.

For Petitioner : Mr.S.V.Karthikeyan

For Respondent : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER

The petitioner herein is the owner of the two wheeler bearing registration TN 05 BV 3647, DUKE and he is one of the accused in Crime No.405 of 2023 for offence under Section 392 IPC. The vehicle



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been seized by the police and produced before the Magistrate.

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2. The petitioner has filed an application under Section 451 Cr.P.C., for return of temporary custody of the vehicle. The Magistrate considering the application had allowed it on condition that the petitioner should execute a bond for a sum of Rs.1,00,000/- along with one surety for the same amount with the satisfaction of the Court. He should deposit the original RC book and shall produce the vehicle as and when required. The petitioner is before this Court stating that the condition to execute a bond for a sum of Rs.1,00,000/- by the petitioner along with one surety for the said sum is onerous. He is ready to execute a bond for Rs.1,00,000/- whereas the petitioner has no movable or immovable property. Therefore, the bond executed has not accepted by the Magistrate without supporting property.

3. Taking note of the submissions, to meet the ends of the justice, this Court modifies the first condition to the effect that the petitioner shall give an affidavit that he will not alienate the vehicle TN 05 BV 3645 stands in his name and the same shall be intimated to the Regional Transport Office concerned with instructions that he shall not



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transfer the vehicle to any other person until disposal of the case and for transfer No Objection Certificate from the concerned Court to be obtained. The surety shall furnish a bond for Rs.1,00,000/- with affidavit on the above terms. Rest of the condition imposed by the Judicial Magistrate shall stand confirmed.

4. With this modification, this Criminal Original Petition is disposed of.

15.07.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The V Metropolitan Magistrate, Egmore, Chennai

2.The Inspector of Police,
K-1, Sembium Police Station,
Chennai.

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

Dr.G.JAYACHANDRAN,J.

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