



W.P.(MD).No.18664 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD).No.18664 of 2024

P.Elangovan

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Deputy Commissioner of Police,
Prohibition Enforcement Wing,
Madurai City.

3.The Inspector of Police,
PEW-Madurai City,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to release the petitioner's 'Hero Passion Pro' two-wheeler bearing Registration No. TN 59 BX 4091, pertaining to the case in Cr.No.778 of 2024 on the file of the 3rd respondent herein and return the vehicle to the petitioner based on the petitioner's representation, dated 26.07.2024.

For Petitioner : Mr.N.Pragalathan



WEB COPY



W.P.(MD).No.18664 of 2024

For Respondents : Mr.A.Albert James
Government Advocate (Crl.Side)

ORDER

The present writ petition has been filed for a Mandamus seeking a direction to the respondents to release the petitioner's 'Hero Passion Pro' two-wheeler bearing Registration No. TN 59 BX 4091, pertaining to the case in Cr.No.778 of 2024 on the file of the 3rd respondent herein and return the vehicle to the petitioner based on the petitioner's representation, dated 26.07.2024.

2. It is confirmed by the learned Government Advocate (Crl.Side) for the respondents that the petitioner has no previous history of any involvement in the crime.

3. It is also confirmed that the petitioner is not an accused in Crime No. 778/2024, dated 01.07.2024. *Prima facie* it appears that the petitioner's two wheeler was used by the accused in Crime No.778/2024, dated 01.07.2024.

4. Under these circumstances, this Court is inclined to come to rescue the petitioner by directing provisional release of the vehicle seized from the custody of the accused in Crime No.778/2024 subject to petitioner depositing a sum of Rs.10,000/- (Rupees Ten Thousand



W.P.(MD).No.18664 of 2024

only) to the credit of Crime No.778 of 2024 before the jurisdictional Magistrate. It is needless to state the provisional release of the vehicle will be without prejudice to the rights of the respondent to proceed against the petitioner and the vehicle, in accordance with law for confiscation.

5. In view of the above, this Writ Petition is allowed. No costs.

02.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

gbg

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Deputy Commissioner of Police,
Prohibition Enforcement Wing,
Madurai City.
- 3.The Inspector of Police,
PEW-Madurai City,
Madurai.

C.SARAVANAN, J.



WEB COPY



W.P.(MD).No.18664 of 2024

gbg

W.P.(MD).No.18664 of 2024

02.08.2024