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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CrI.M.P.No.8843 of 2025
in CrI.O.P.No.13395 of 2024

Vijayakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.
(Crime No.1539 of 2022)

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to modify the condition imposed in Para No.2 in
CrI.O.P.No.13395 of 2024 vide order dated 24.06.2024.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.C.Baskaran
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking to modify the
condition imposed in Para No.2 in CrI.O.P.No.13395 of 2024 dated 24.06.2024.



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2. The contention of the learned counsel appearing for the petitioner is that the petitioner had moved an application before the Special Court for EC Act Cases, Coimbatore, in Cr.M.P.No.4474 of 2023 seeking for a return of his Vehicle Mahindra Scorpio VLX Car bearing registration No.TN 39 BH 2277, which was seized by the respondent in connection with Crime No.1539 of 2022. The learned Judge concerned, by an order dated 03.01.2024, ordered interim custody of the vehicle to the petitioner with a condition to execute a bond for a sum of Rs.3lakhs with two sureties each for a like sum to the satisfaction of the court. Aggrieved over the same, the petitioner had filed a modification petition in Crl.M.P.No.473 of 2024 and the same was dismissed on 29.02.2024.

3. Thereafter, the petitioner had approached this Court in Crl.O.P.No.13395 of 2024 against the order passed in Crl.M.P.No.473 of 2024 and this Court, by an order dated 24.06.2024, on considering the petitioner's plea and recording that the vehicle is of 2013 model, modified the condition from three lakhs to 1.5 lakhs. However, in the order copy, instead of directing the petitioner to executing a bond for a sum of Rs.1.5 lakhs, it has been mentioned as to deposit Rs.1.5 lakh cash. Hence the present petition has been filed.



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4. In view of the above, this Court finds that the original condition was to execute a bond for a sum of Rs.3lakhs, which has been modified to 1.5 lakhs. Therefore, the modification is only to execute a bond for a sum of Rs.1.5 lakh with two sureties each for a like sum to the satisfaction of the court concerned and not to deposit cash.

5. Accordingly, the Criminal Miscellaneous Petition stands ordered.

25.06.2025

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To

1. The Special Court for Essential Commodities Act Cases,
Coimbatore.
2. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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