



Crl.O.P.No.18117 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.18117 of 2025

Kathirvel

... Petitioner

Versus

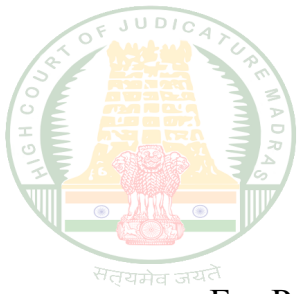
State rep. By,
The Inspector of Police,
Mallur Police Station,
Salem District.
(Crime No.186 of 2025)

... Respondent

Prayer :

Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, to modify the condition No.1 as “ The petitioner shall execute a bond of Rs.5,00,000/- with one surety for like sum” instead of “ the petitioner shall execute a bond of Rs.5,00,000/- each with two sureties like sum in CMP. No.1024 of 2025 dated 26.05.2025 on the file of the Judicial Magistrate No.6, Salem, in Crime No.186 of 2025 on the file of the Inspector of Police, Mallur Police Station, Salem District.

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

ORDER

The petitioner is owner of the vehicle, viz., Swaraj Mazda bearing Registration No.TN-54-T-9230, which was seized by the respondent Police, in connection with the Crime No.186 of 2025. The petitioner filed a petition in C.M.P.No.961 of 2025 for return of property before the Judicial Magistrate No.6, Salem, which was allowed on 19.05.2025, directing the petitioner to pay a sum of Rs.30,00,000/- as surety.

2. Aggrieved by the order dated 19.05.2025, the petitioner filed a modification petition in C.M.P. No.1024 of 2025 before the Judicial Magistrate No.6, Salem. The learned Judge, modified the condition that the petitioner shall execute a bond for a sum of Rs.5 Lakhs each with two sureties like sum. The surety should produce a solvency certificate obtained from the Tahsildar. Against this, the petitioner has filed the present modification petition before this Court.



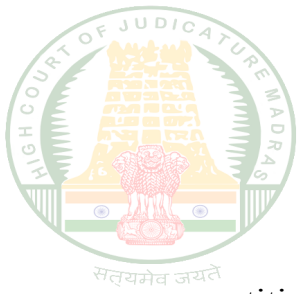
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3. The learned counsel for the petitioner submitted that the petitioner is unable to get two sureties as per modified the condition No.1 imposed in C.M.P.No.1024 of 2025 dated 26.05.2025 and prayed to modify the condition that the petitioner shall execute a bond of Rs.5,00,000/- with one surety for like sum.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and also perused the available materials on record.

5. Upon perusal of the records, it shows that though the learned Judicial Magistrate No.6, Salem, on 19.05.2025 ordered the return of vehicle under interim custody with one of conditions that the petitioner shall deposit a sum of Rs.30 Lakhs with one surety for like sum, and the surety should produce a solvency certificate obtained from the Tahsildar, and thereafter the petitioner had filed a modification petition in CMP.No.1024 of 2025, wherein, the learned Judicial Magistrate, by order dated 26.05.2025, had modified the condition, directing the



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petitioner to execute a bond for Rs.5 Lakhs each with two sureties for like sum and the surety should produce a solvency certificate issued by the Tahsildar. However, the petitioner is unable to execute such conditions, particularly, to get two sureties along with a solvency certificate obtained from the Tahsildar, and hence, he has come up with the above said prayer.

6. Considering the fact that the vehicle was ordered to be released even in the month of May 2025, and for the past two months, the petitioner has been unable to get the vehicle due to the onerous conditions. As a result, the vehicle is under open-air and sun exposure and getting diminished. Therefore, this Court is inclined to modify the condition.

7. In view of the above, this Court modifies the condition that the petitioner shall execute a bond for a sum of Rs.5 Lakhs with one surety, which would be sufficient to release the vehicle.



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8. Accordingly, this Criminal Miscellaneous Petition is ordered.

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Speaking/Non-Speaking Order : Yes/No

Neutral Case Citation : Yes/ No

Index : Yes/No

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To

1.The Judicial Magistrate No.6, Salem.

2.The Inspector of Police,
Mallur Police Station, Salem District. (Crime No.186 of 2025)

3.The Public Prosecutor, High Court, Madras.



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M. NIRMAL KUMAR, J.

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