



Crl.OP.No.24141 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.24141 of 2025

Prithviraj Kadel

... Petitioner

Vs.

State rep. by
The Inspector of Police,
P-5, MKB Police Station,
Chennai.

... Respondent

Prayer: Petition filed under Section 528 of BNSS, to modify the conditions imposed by the learned trial Court in Crl.M.P.No.10242 of 2025 in Crime No.221 of 2025 on the file of P-5 Police Station dated 04.08.2025.

For Petitioner : Mr.Ramesh Kumar G.Chopda
For Respondent : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

The conditions imposed by the trial Court in Crl.M.P.No.10242 of 2025 in Crime No.221 of 2025 (on the file of P-5 Police Station) dated 04.08.2025, has been put under challenge in the present Petition.



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2. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side) appearing on behalf of the respondent.

3. The crux of the case is that the petitioner had received an advance amount of Rs.5 lakhs on a sale agreement from one Lakshmi Priya which was neither considered for execution of sale nor returned the amount to her, for which she lodged a complaint against the petitioner herein. Based on the complaint, the First Information Report has been filed against the petitioner for the alleged offences under Sections 316(2), 318(2), 61(2) of BNSS and subsequently, he was arrested and the respondent had seized certain properties from him. The petitioner herein had filed a petition before the trial Court for return of his property. The trial Court had imposed some conditions, out of which, the Court below had directed the petitioner to execute a own bond of Rs.25 lakhs to the aforesaid properties along with two sureties for a sum of Rs.50,000/- to the satisfaction of the said Court.

4. Aggrieved over the said condition imposed by the trial Court, the petitioner has come forward with the present modification petition before this Court.

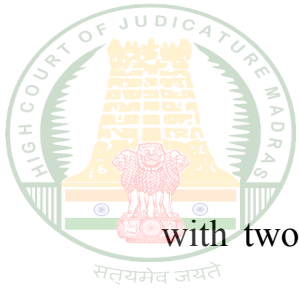


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5. The learned counsel for the petitioner submitted that the petitioner had returned the advance amount to the defacto complainant and despite the same, the respondent police had seized his properties. He further submitted that the bond and surety condition imposed by the trial court is huge and the petitioner is not in a position to comply with the said condition and therefore, pleaded to modify the said condition.

6. The learned Government Advocate on instructions submitted that the sale agreement entered by the petitioner is for an unapproved land and he did not repaid the advance amount to the defacto complainant and hence, resulted in filing of FIR. He further submitted that during investigation, certain properties of the petitioner has been seized.

7. Considering the nature of the allegations and the content of the FIR, the condition imposed by the trial Court for return of the properties seized from the petitioner is onerous as the same is no way connected with the offence, this Court is inclined to modify the condition imposed by the trial Court to the effect that the petitioner is directed to execute a own bond of Rs.10,000/- [Rupees Ten Thousand Only] for return of properties along



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with two sureties for a sum of Rs.10,000/- each to the satisfaction of the

WEB COPY Court below.

8. The Criminal Original Petition is ordered accordingly.

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DP



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To

- 1.The X Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
P-5, MKB Police Station,
Chennai.
- 3.The Public Prosecutor,
Madras High Court.



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N.SATHISH KUMAR.J.

DP

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