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Crl.O.P.No.34872 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.34872 of 2025

Chelladurai

... Petitioner

Vs.

State represented by,
The Inspector of Police Gudimangalam,
Represented by Public Prosecutor
Tiruppur. (Crime No.132 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to set aside the condition No.I imposed in the order dated 11.06.2025 in Crl.M.P.No.215 of 2025 on the file of the learned Judicial Magistrate No.II, Udumalpet.

For Petitioner : Mr.M.Sivavarthanan

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

The present Criminal Original Petition has been filed seeking to set aside order passed by the learned Judicial Magistrate No.II, Udumalpet, dated 11.06.2025, in Crl.M.P.No.215 of 2025.



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WEB COPY 2. The submissions of the learned counsel appearing for the petitioner are as follows:-

2.1. The petitioner is arrayed as an accused in Crime No.132 of 2023 registered under Section 174 Cr.P.C. and later, altered to one under Sections 302 & 201 IPC. The petitioner's vehicle bearing registration No.TN 78 MA 4167 was recovered by the respondent police and produced before the Court concerned.

2.2. Thereafter, the petitioner filed a petition in CrI.M.P.No.215 of 2025 seeking interim custody of his vehicle. The learned Judicial Magistrate No.II, Udumalpet, has allowed the petition vide order dated 11.06.2025 by imposing an onerous condition to execute a bond for a sum of Rs.10 lakhs with two sureties each for a like sum and that the sureties shall produce the Solvency Certificate for a sum of Rs.10 lakhs.

2.3. In view of G.O.(Ms) No.282, dated 26.05.2025, issued by the Revenue and Disaster Management Department, Revenue Administration Wing, RA-3(2) Section, the Government has discontinued



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the practice of issuance of Solvency Certificate. Due to the same, the persons who have offered to stand as sureties of the petitioner are unable to furnish Solvency Certificate. Therefore, the petitioner filed a petition seeking modification, whereas, the learned Magistrate returned the petition stating that the case has now been committed to the Court of Session in S.C.No.170 of 2025.

2.4. The value of the vehicle is around Rs.7.5 lakhs and it is still available at the Judicial Magistrate Court No.II, Udumalpet. Hence, he prayed the set aside the order dated 11.06.2025.

3. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the investigation in this case has been completed and the final report has been filed which is pending trial in S.C.No.170 of 2025 before the Judicial Magistrate Court No.II, Udumalpet. He further submitted that the vehicle is in the custody of the trial Court.

4. Heard the learned counsel appearing on both sides and perused the materials available on record.



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5. The learned Magistrate, while ordering the release of the vehicle, had directed the petitioner to execute a bond for a sum of Rs.10 lakhs with two sureties each for a like sum and also directed that the sureties shall produce the Solvency Certificate for Rs.10 lakhs.

6. As per G.O.(Ms) No.282, supra, the Government has discontinued the practice of issuance of Solvency Certificate. In such circumstances, it is impracticable for the petitioner to comply with the said condition and thereby, the condition has to be necessarily modified.

7. In view of the same, condition No.1 passed by the learned Judicial Magistrate No.II, Udumalpet, in Crl.M.P.No.215 of 2025, vide order dated 11.06.2025, directing the petitioner to execute a bond for a sum of Rs.10 lakhs and the sureties to produce solvency certificate for Rs.10 lakhs is set aside and the said condition alone is modified to the effect that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum. All other conditions remain unaltered.



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WEB COPY 8. It is made clear that the learned Judicial Magistrate No.II, Udumalpet shall not insist upon the production of the Solvency Certificate by the sureties.

9. With the above modification, this Criminal Original Petition stands disposed of.

19.12.2025

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Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.II, Udumalpet.
2. The Inspector of Police Gudimangalam, Represented by Public Prosecutor, Tiruppur.
3. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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