



WEB COPY



Crl.O.P.No.2785 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. O.P. No. 2785 of 2026

Baiju Vadaseery Jose @ Baiju

... Petitioner

Vs.

State rep., by
The Sub-Inspector of Police,
Dharapuram Police Station.
(Crime No.295/2025)

... Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to modify the conditions “1.The petitioner shall execute a bond for a sum of Rs.1,00,000/- with one surety like sum per Vehicles” and “The petitioner shall produce the Original RC Book of the each vehicles” imposed in the Crl.M.P.No.734 of 2025 dated 13.11.2025.

For Petitioner : Mr. M. Soundar Vijay Arul Ram
For Respondent : Mr. Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

The petitioner is the owner of two tipper lorries bearing registration No.KL 70 H 1431 and TN 88 K 5955. He had filed a return of property



Crl.O.P.No.2785 of 2026

petition before the trial Court in Crl.M.P.No.734 of 2025. By order dated 13.11.2025, the trial Court entrusted interim custody of the vehicles to the petitioner subject to certain conditions. The petitioner is aggrieved by Condition Nos.1 and 5 and has therefore filed the present petition.

2. The contention of the petitioner is that, he is the owner of the lorries. The drivers of the said lorries were found transporting red soil without a valid permit and the Deputy Director of Geology and Mining, Tiruppur, intercepted and seized the vehicles, which were subsequently produced before the respondent police. Admittedly, the petitioner was neither present in the lorries nor at the scene of occurrence. The petitioner hails from Kerala. It is his case that the drivers, to whom the vehicles had been entrusted, committed the offence on their own. The petitioner purchased the lorries in the year 2023 with financial assistance from financial institutions. He is earning his livelihood by renting out the lorries and is also required to pay EMIs to the financial institutions. Otherwise, he apprehends that the financial institutions may take possession of the vehicles. Though the order was passed on 13.11.2025, the petitioner is unable to take interim custody of the lorries due to the onerous conditions



imposed. Hence, the present petition is filed seeking modification of the said conditions.

WEB COPY

3. The learned Additional Public Prosecutor for the respondent submitted that the petitioner's vehicles were seized in Crime No.295 of 2025 for offence under Section 303(2) of the BNS. The petitioner's lorries were found transporting red soil without valid permission. In this case, four vehicles were involved, and 30 units of red soil were transported without valid permission. On the complaint of the Director of the Flying Squad, headed by the Assistant Director, Geology Department, the vehicles were intercepted and seized in this case. The vehicles have been produced before the trial Court in P.R.No.227 of 2025 dated 11.11.2025.

3.1. He further submitted that as the petitioner is from another State, if interim custody of the vehicles is granted to him, there is every possibility that he may abscond and thereafter securing the petitioner and the vehicles would not be easy and the entire case would be stalled.

4. Considering the submissions and upon perusal of the materials on record, it is seen that the petitioner is the owner of the lorries and that the



vehicles were purchased in the year 2023 with the assistance of financial institutions. The petitioner is a permanent resident of Vadaserry House, Gomathy Estate, Melarcode, Palakkad, Kerala and he undertakes not to alienate the vehicles or make any changes to their physical features and to produce the vehicles as and when required.

5. Though the order was passed as early as November 2025, the petitioner has, for the past seven months, been unable to obtain interim custody of the vehicles, as the conditions imposed are onerous and incapable of compliance.

6. In view of the above, the 1st condition, namely, “*The petitioner shall execute a bond for a sum of Rs.1,00,000/- with one surety like sum per Vehicles*” is modified to the effect that the petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties for a like sum in respect of each vehicle. The 5th condition, namely, “*The petitioner shall produce the Original RC Book of the each vehicles*” is also modified to the effect that the petitioner shall produce the original documents along with self-attested photocopies; the Magistrate shall verify the same, retain the photocopies and



Crl.O.P.No.2785 of 2026

return the originals, as the originals are required to be kept in the transport vehicles.

WEB COPY

7. With the above directions, this Criminal Original Petition is disposed of.

22.04.2026

Neutral Citation: Yes/No
AT

To

1.The Judicial Magistrate, Dharapuram.

2.The Sub-Inspector of Police,
Dharapuram Police Station.

3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.2785 of 2026

M.NIRMAL KUMAR, J.

AT

Crl. O.P. No. 2785 of 2026

22.04.2026