



WEB COPY

CRL RC No. 337 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 337 of 2026

1. Matheshwaran

S/o.Palanivel,

2. Mekala

W/o.Matheshwaran,

..Petitioner(s)

Vs

The State rep. by

Inspector of Police,

Ariyoor Police Station,

Vellore District.

(Crime No.149 of 2025)

..Respondent(s)

Prayer: This Criminal Revision is filed under Section 438 read with 442 of BNSS, to allow the above Criminal Revision by modifying the conditions imposed in Para 11.(i), (ii), (vi) and (vii) in the order dated 02.02.2026 in C.M.P.No.68 of 2026 on the file of the Judicial Magistrate No.1, Vellore.

For Petitioner(s):

Mr.T.Dhasarathan

For Respondent(s):

Mr.R.Vionothraja,

Government Advocate (Crl. Side)



ORDER

The petitioner, whose property was seised during the course of investigation and returned by the learned Magistrate by the impugned order dated 02.02.2026, is aggrieved by the following conditions imposed by the learned Magistrate;

"11(i) The petitioners shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) before the District Mines and Minerals Foundation Trust, Vellore as non refundable deposit.

(ii) The petitioners shall appear and execute a personal bond for Rs.10,00,000/- (Rupees Ten lakh only) with two sureties for a like sum with solvency certificate obtained from the Thasildhar for the satisfaction of this Court.

vi) The petitioners shall not alienate or alter the vehicle in any manner till the adjudication is over. The petitioners shall produce the vehicle before this court and trial court whenever the court ordered to produce the property. The petitioners shall produce the vehicle before this court every month 1st working day till the completion of trial. The petitioners shall not misuse the vehicle for committing similar offence in future. The petitioners shall not dispute the identity of the property in the photographs. The petitioners shall produce the vehicle before the authorized officer for confiscation proceedings. The petitioners shall file an affidavit undertaking affidavit to the effect."



2.The learned counsel for the petitioner would submit that the alleged offence is under Section 303(2) and 326(a) of BNS r/w 21(1) of Mines and Minerals (Development and Regulation Act) 1957 (379 and 430 of IPC); that the petitioner has no previous antecedent; and that the above said conditions are onerous, as a result of which, the petitioner is unable to take the return of the vehicle.

3.Heard, the learned Government Advocate (Crl. Side) who confirms that there is no bad antecedent as against the petitioner.

4.Considering the rival submissions, this Court is of the view that condition 11(i) and 11(vi) are onerous. Accordingly, the condition to deposit Rs.1,00,000/- before the District Mines and Minerals Foundation Trust, Vellore as non refundable deposit, is set aside. The condition to produce the vehicle on the first working day of every month is also set aside and instead, the petitioner shall produce the vehicle as and when required by the learned Magistrate. All other conditions imposed by the learned Magistrate shall remain unaltered, including the other conditions imposed in sub-clause 6 of paragraph 11, which is modified to the extent as mentioned above. There is no infirmity in condition 11 (ii).



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SUNDER MOHAN, J.

TSG

5. Accordingly, the Revision is disposed of.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

TSG

To

1. The State rep. by

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2. The Judicial Magistrate No.1,
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