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CrI.O.P.No.4502 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2026

CORAM:

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

CrI.O.P.No.4502 of 2026

Sudhakar

... Petitioner

Vs.

The State by,
The Inspector of Police,
Ariyoor Police Station,
Vellore District.
(Crime No.149 of 2025)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to modify the condition dated 02.02.2026 passed in C.M.P.No.779/2026 by the learned Judicial Magistrate No.I, Vellore District, 1) directing the petitioner to 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, 2) directing the petitioner to execute a personal bond for Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties for a like sum with solvency certificate obtained from Tahsildar.

For Petitioner : Mr.D.Thirumoorthy

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



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ORDER

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The present Criminal Original Petition has been filed seeking to modify condition Nos. 11 (i) and 11(ii) imposed on the petitioner by the learned Judicial Magistrate No.I, Vellore District, in C.M.P.No.779 of 2026 on 02.02.2026.

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

2.1. The petitioner is the owner of the Ashok Leyland Lorry bearing registration No.TN 75 B 6825. Since the petitioner's vehicle was involved in the illegal transportation of sand, it was seized by the respondent police and produced before the jurisdictional Court.

2.2. Thereafter, the petitioner filed a petition in C.M.P.No.779 of 2026 seeking interim custody of his vehicle. The learned Judicial Magistrate No.I, Vellore District, vide order dated 02.02.2026, has allowed the petition, imposing onerous conditions, namely, directing the petitioner to deposit a sum of Rs.1 lakh as non-refundable deposit before the District Mines and Minerals Foundation Trust, Vellore and to execute a bond for a sum of Rs.10 lakhs with two sureties each for a like sum with



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Solvency Certificate obtained from the Tahsildhar to the satisfaction of the Court.

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 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 has filed the present petition seeking modification of the said conditions.

3. Learned Government Advocate (Criminal Side) appearing for the respondent police, on instructions, submitted that a case in Crime No.149 of 2025 was registered for the offences under Sections 303(2) and 326(a) of the BNS r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in which the petitioner's vehicle was also involved and therefore, it was seized.

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 with Solvency Certificate and also directed him to deposit a sum of Rs.10 lakhs to the credit of the aforesaid Trust.

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. Further, considering the financial condition of the petitioner, this Court is of the opinion that the said conditions require modification.

7. In view of the above, condition Nos.11 (i) and 11(ii) imposed by the learned Judicial Magistrate No.I, Vellore District, in C.M.P.No.779 of 2026, vide order dated 02.02.2026, are modified as follows:-

11. (i) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the District Mines and Minerals Foundation Trust, Vellore, as non-refundable deposit.



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11. (ii) The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum.

8. It is made clear that all other conditions remain unaltered and the learned Judicial Magistrate No.I, Vellore District, shall not insist upon the production of the Solvency Certificate from the sureties.

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

24.02.2026

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Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.I,
Vellore District.
2. The Inspector of Police,
Ariyoor Police Station,
Vellore District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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