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CRL OP No. 8506 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8506 of 2026

Prathap

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Sathuvachari Police Station,
Vellore District.
(Crime No.34 of 2024)

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to call for the records of proceedings in the impugned order dated 26.08.2025 passed in Crl.RP.No.11 of 2024 on the file of the Sessions Division of Vellore District and to return the original fixed deposit dated 24.04.2024 bearing No.2023/NDRY/0206806 drawn on Indian Overseas Bank and the original property document i.e., Sale Deed dated 07.09.2022 registered as document No.2594 of 2022 within a stipulated time to be fixed by this Court.

For Petitioner(s): Mr.R.Ragavendran

For Respondent(s): Mr.Leonard Arul Joseph Selvam,
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the impugned order dated 26.08.2025 passed in Crl.R.P.No.11 of 2024 on the file of the Sessions Division of Vellore District and consequently, to direct the return



of (i)the original fixed deposit dated 24.04.2024 bearing No.2023/NDRY/0206806 drawn on Indian Overseas Bank and (ii)the original property document, namely, Sale Deed dated 07.09.2022 registered as Document No.2594 of 2022 within a time frame to be stipulated by this Court.

2. The petitioner, being the owner of the Tata 207 van involved in Crime No.34 of 2024, had initially filed a petition for return of property before the Judicial Magistrate No.V, Vellore in Crl.M.P.No.4925 of 2024. The learned Magistrate, by an order dated 25.04.2024, allowed the said petition subject to the following conditions:

(I) The petitioner shall surrender the original R.C. Book of the property(after the transfer of name)

(ii) The petitioner shall execute a bond for a sum of Rs.50,000/- along with two sureties for the amount. (both of them execute the same amount)

(iii) The petitioner shall produce the original documents for the said amount.

(iv) The petitioner shall produce the original R.C. book after the name transfer before this Court whenever required of original documents.

3. It is the further case of the petitioner that all the above conditions were complied with and the vehicle was accordingly released to him on interim custody. Thereafter, subsequent to the transfer of ownership in the R.C., the



petitioner filed another petition in Crl.M.P.No.8526 of 2024 before the Judicial Magistrate No.V, seeking return of the original R.C book and discharge of sureties by returning their original property documents and Fixed Deposit Receipt. The said petition was dismissed on 10.09.2024. Aggrieved by the same, the petitioner preferred a revision in Crl.R.P.No.11 of 2024 before the learned Principal Sessions Judge, Vellore, which also came to be dismissed by order dated 26.08.2025. Challenging the same, the present petition has been filed.

4. The contention of the petitioner is that the sureties who had furnished their original property documents and Fixed Deposit Receipt are presently facing financial hardship and are in urgent need of the said documents. Hence, the petitioner seeks modification of the earlier conditions and return of the said documents.

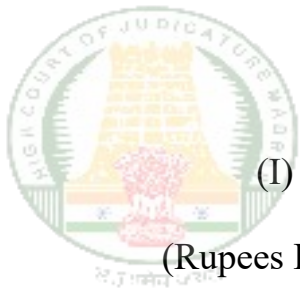
5. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had obtained anticipatory bail in Crl.O.P.No.4200 of 2024 and that he is the owner of the vehicle, having purchased the same from its previous owner. It is further submitted that during the course of investigation, the petitioner had transferred ownership of the vehicle due to his health condition and had complied with the conditions imposed by the learned Magistrate for interim custody. However, it is



contended that the petitioner ought to have approached the trial Court for modification of conditions instead of filing successive petitions and therefore, the dismissal orders passed by the Courts below are justified.

6. This court has carefully considered the rival submissions and perused the materials available on record. It is not in dispute that the petitioner is the owner of the vehicle and the vehicle has already been released to he petitioner upon compliance with the imposed conditions. It is also not in dispute that the sureties have furnished substantial securities including property documents and fixed deposits. The primary issue that arises for consideration is whether the continued retention of the original documents of the sureties is necessary for the purpose of the case. In the considered opinion of this Court once the vehicle has been released and the petitioner has complied with all conditions, the insistence on retaining original documents of the sureties would cause undue hardship, particularly when no specific violation has been alleged. Further, the object of obtaining sureties is only to secure production of the property and ensure compliance with the Court directs and not to indefinitely retain valuable original documents.

7. In view of the above, the impugned order dated 26.08.2025 passed in Crl.R.P.No.11 of 2024 is set aside. The conditions imposed earlier are modified to the following extent:



(I) the petitioner shall execute a fresh bond for a sum of Rs.5,000/-
(Rupees Five Thousand only) with two sureties for a like sum.

(ii) the original R.C. book shall be permitted to be substituted with a photocopy, subject to filing of an affidavit of undertaking that the petitioner will not alienate or tamper with the vehicle and will produce the same as and when required by the Court.

(iii) the original property documents and fixed deposit receipt furnished by the sureties shall be returned to them forthwith.

8. Accordingly, this Criminal Original Petition stands allowed.

06-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VKR

To

1.The Principal Sessions Judge,
Sessions Division of Vellore District.

2.The Inspector of Police
Sathuvachari Police Station,
Vellore District.

3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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