



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 9977 of 2026

Santhosh Kumar

Petitioner(s)

Vs

1. The State rep by
The Inspector of Police
Kanchi Taluk Police Station,
Kancheepuram District.
(Crime No.36 of 2026)

Respondent(s)

PRAYER

This criminal original petition is preferred under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking to modify the condition that the petitioner is directed to execute a bond for a sum of Rs.5,00,000/ with two sureties for a like sum to the satisfaction of court below made in Clr.MP.No.526 of 2026 on the file of learned Judicial Magistrate-II, Kancheepuram district by order dated 01.04.2026 and thus render justice.

For Petitioner(s): Mr.S.Sasikumar

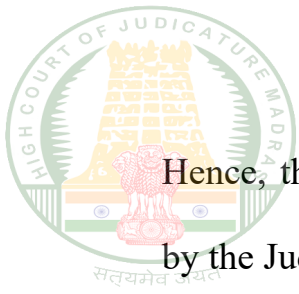
For Respondent(s): Mr.Leonard Arul Joseph Selvam
Addl. Public Prosecutor,
Assisted by Ms.Harshana. T

**ORDER**

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The petitioner herein, who is the owner of the vehicle, namely Ashok Leyland mini lorry, Model and Variant DOST LS BS III, bearing registration No.TN 25-BA 6917, has filed a return of property petition in C.M.P.No.526 of 2026 on the file of the Judicial Magistrate No.II, Kancheepuram. It is alleged that the petitioner's vehicle was involved in the crime in crime no.36 of 2026 on the file of the respondent police. The learned Judicial Magistrate No.II, Kancheepuram, vide order dated 01.04.2026 had granted interim custody of the vehicle to the petitioner but on condition that the petitioner shall execute a bond for a sum of Rs.5 Lakhs with two sureties and that the petitioner was also directed to surrender the original RC book of the vehicle in question. Aggrieved over the same, the present petition has been preferred.

2.It is the contention of the learned counsel for the petitioner that the petitioner is not an accused and his driver was arrested by the respondent police for the alleged offence under section 303(2) of the BNSS. The petitioner is eking his livelihood by hiring his vehicle and the driver on his own has committed the offence, for which the vehicle of the petitioner has been seized. According to the learned counsel for the petitioner, the vehicle is of the year 2016 and the vehicle has been purchased by availing finance from the TATA motors Finance Ltd. and the petitioner is also paying the EMI for the same.



Hence, the learned counsel sought for modification of the conditions imposed by the Judicial Magistrate Court.

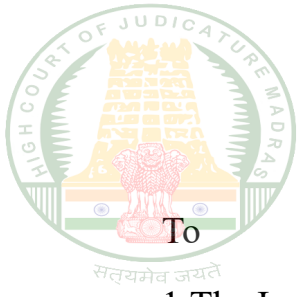
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3.The learned Additional Public Prosecutor, on verification, has submitted that the petitioner is not the accused in this case and there is no previous cases of similar nature against the petitioner.

4.Considering the submissions of both sides, this court is inclined to modify the conditions imposed. Accordingly, instead of Rs.5,00,000/-, the petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a likesum and the petitioner shall produce the original and self attested photocopy of RC Book before the court concerned and the Judicial Magistrate-II, Kancheepuram shall verify the same and retain the photocopy of the RC book and return the original RC book to the petitioner since it is required to be kept in the transport vehicle. In all other respects, the conditions imposed by the court below will hold good. This criminal original petition is disposed of. No costs.

22-04-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

1.The Inspector of Police
Kanchi Taluk Police Station,
Kancheepuram.
Crime No.36 of 2026.

2.Judicial Magistrate No.II,
Kancheepuram

3.The Additional Public Prosecutor
High Court Madras.



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M.NIRMAL KUMAR J.

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