



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 10394 of 2026

S.Logidoss
S/o. Sundaram,
No.6/166, M.G.R. Street, Ottiyambakkam,
Chennai-600126.

..Petitioner(s)

Vs

The State Rep. by
The Inspector of Police
Perumbakkam Police Station,
Chengalpet District.

..Respondent(s)

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to modify the condition in Para 5 Col (ii) of the order passed by the Judicial Magistrate-II, Alandur in C.M.P.No.5229/2025 in Crime No.324/2025, on the file of Inspector of Police, Perumbakkam Police Station.

For Petitioner(s): Mr.T.R.Ravi

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

ORDER

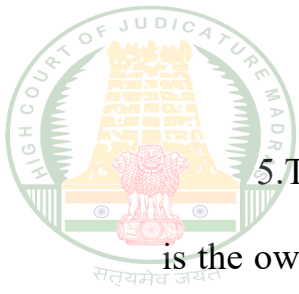
The Criminal Original Petition has been filed seeking to modify the condition imposed in Para 5 (ii) of the order dated 07.03.2026 passed by the learned Judicial Magistrate-II, Alandur in C.M.P.No.5229 of 2025 in Crime No.324 of 2025, on the file of Inspector of Police, Perumbakkam Police Station.



2.The petitioner, who is the owner of Tata Tipper Lorry bearing Registration No.TN-22-AW-1946, had filed a return of property petition in C.M.P.No.5229 of 2025 seeking interim custody of the said vehicle. The learned Judicial Magistrate No.II, Alandur, by an order dated 07.03.2026, granted interim custody of the vehicle to the petitioner with certain conditions. The petitioner is ready to comply with all the conditions except condition No.(ii), wherein the petitioner was directed to deposit an amount of Rs.50,000/- to the credit of Crime No.324 of 2025. Aggrieved against the said condition, the present petition is filed.

3.The contention of the petitioner is that he is an agriculturist owning patta lands. While he was tilling his land, he removed clay and mud from his land and shifted the same to another land of the petitioner, for which, the respondent police registered a case in Crime No.324 of 2025 for offence under Sections 329(3), 303(2), 351(2) of BNS read with 21(l) of Mines & Minerals (Development & Regulation) Act, 1957.

4.The learned counsel for petitioner submitted that the petitioner is the owner of the lorry and is making his livelihood by hiring out the said vehicle. Due to the seizure of the vehicle, the petitioner is unable to make his earnings for his livelihood.



5.The learned Additional Public Prosecutor submitted that the petitioner is the owner of the vehicle and also accused in Crime No.324 of 2025 involved in illegal transportation of sand.

6.Considering the submissions made and on perusal of the material, it is seen that the vehicle has been seized and handed over to the respondent police. The petitioner is only aggrieved against condition No.(ii). In condition No.(i), the petitioner was directed to execute a bond for a sum of Rs.8,00,000/- along with one surety for the like sum. This Court is of the view that this condition would be sufficient. The respondent police to ensure that vehicle is retained and produced as and when directed by the trial Court.

7.In view of the same, the condition imposed in Para 5(ii) of the order dated 07.03.2026 passed in C.M.P.No.5229 of 2025 by the learned Judicial Magistrate No.II, Alandur, directing the petitioner to deposit a sum of Rs.50,000/- to the credit of Crime No.324 of 2025 alone is set aside.

8.Accordingly, the Criminal Original Petition stands allowed.

24-04-2026

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

RSI



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To

- 1.The Judicial Magistrate-II,
Alandur.
- 2.The Inspector of Police,
Perumbakkam Police Station,
Chengalpet District.
- 3.The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR, J.

RSI

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