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Crl.O.P.(MD).No.5008 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5008 of 2026

Sakthi Ganesh

...Petitioner

Vs

The State of Tamilnadu Rep. By its,
The Sub Inspector of Police,
City Crime Branch Police Station,
Madurai.
(in Crime N.02 of 2025)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to direct the learned Judicial Magistrate No.I, Madurai, to accept the own bond of the petitioner in Crl.M.P.No.4692 of 2025 in R.P.R.No.133 of 2025 dated 07.10.2025, and thereby enable to release of the vehicle.

For Petitioner	: Mr.G.Vijaya Prabhakaran
For Respondent	: Mr.R.Meenakshi Sundaram, Additional Public Prosecutor (for R2)

ORDER

The present petition has been filed seeking a direction to the learned Judicial Magistrate No.I, Madurai, to accept the own bond of the petitioner in



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Crl.M.P.No.4692 of 2025 in R.P.R.No.133 of 2025 dated 07.10.2025, and thereby enable to release of the vehicle.

2. The petitioner's vehicle was seized by the police officials for the alleged involvement in Crime No.2 of 2025 on the file of the respondent Police. The petitioner filed an application in Crl.M.P.No.4692 of 2025 before the learned Judicial Magistrate No.1, Madurai, seeking to release the said vehicle and an order came to be passed on 07.10.2025 wherein the petitioner was directed to produce own bond for some of Rs.5,00,000/-. To execute own bond for a sum of Rs.5,00,000/- and the petitioner was also imposed with other conditions.

3.The petitioner had earlier filed a petition in Crl.O.P.(MD).No.1051 of 2026 seeking a similar direction. This Court by order dated 21.01.2026, disposed of the same with an observation that the petitioner was directed to produce his own bond as well as the surety as required by the Learned Judicial Magistrate. If at all the petitioner has any difficulty in complying with the order passed by the learned Judicial Magistrate, he was granted liberty to file a petition seeking modification of the condition as mandated in the code of Criminal procedure.



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4. When the petitioner had filed a surety memo on 22.01.2026 and the same has been returned by the learned Judicial Magistrate on the ground that the petitioner has not produced any document relating to the immovable property. Therefore, the present petition has been filed.

5. According to the learned counsel appearing for the petitioner, as per the order dated 07.10.2025 in Crl.M.P.No.4692 of 2025, the petitioner was directed to execute only own bond for a sum of Rs.5,00,000/-. There is no direction whatsoever to produce a surety with regard to immovable property. Therefore, such a condition cannot be imposed and the surety memo is filed.

6. Heard the learned counsel on either sides and perused the materials available on record.

7. As rightly contended by the learned counsel appearing for the petitioner and pursuant to the order dated 07.10.2025 in Crl.M.P.No.4692 of 2025, the petitioner was directed to execute only an own bond for a sum of Rs.5,00,000/- and there was no direction whatsoever to produce an encumbrance certificate relating to the immovable property as surety. Under such circumstances, when



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surety memo is filed on 22.01.2024, the same cannot be returned directing the petitioner to produce encumbrance certificate with regard to the immovable property.

8.Considering the above said facts, there shall be a direction to the learned Judicial Magistrate No.1, Madurai, to accept the own bond executed by the petitioner for a sum of Rs.5,00,000/- and on compliance with the other conditions imposed in the order dated 07.10.2025, the learned Judicial Magistrate is directed to release the vehicle in accordance with law.

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

10.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
vsg



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To

- 1.The Judicial Magistrate No.I, Madurai.
- 2.The Sub Inspector of Police,
City Crime Branch Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

vsg

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