

IN THE COURT OF JUDICIAL MAGISTRATE NO.II, VILLUPURAM

**Present: Thiru.G.Aravind Bharathi.,B.A.,B.L.,L.L.M.,
Judicial Magistrate No.II,
Villupuram.**

On Wednesday, the 25th day of March 2026

C.M.P.No.406/2026

in

Cr.No.66/2026

Mahendiran,
S/o. Sundaramoorthy

--- Petitioner/Accused

/Vs/

The Sub Inspector of Police,
Valavanur Police Station,
Villupuram.
Cr.No.66/2026,
U/s. 281, 118(1), 125(a) BNS

--- Respondent/Complainant

This petition having been taken on file has come up for final hearing today, in the presence of learned counsel for the petitioner Mr.M.Vijay.B.Sc.,L.L.M., and the learned Assistant Public Prosecutor for the respondent, upon perusal of documents, having heard both sides and stood over till this day for consideration, this court passes the following:

ORDER

This application has been filed u/s. 503 and 497 of BNSS direct the police to produce the case property in Cr.No. 66/2026, U/s. 281, 118(1), 125(a) BNS and grant the property as interim custody to the petitioner. According to the petitioner the case property is Hero Splender Plus two wheeler bearing registration number TN-32-BJ-4390 belongs to the petitioner.

Petitioner side heard. The counsel for the petitioner submit that the petitioner is the owner of the above said vehicle, the petitioner suffers hardship without the vehicle which is being used by him. The petitioner has produced xerox copy of his aadhar proof and xerox copy of the RC book of the Vehicle, found to be in his name along with this petition. There is no dispute regarding the ownership. The petitioner is identified by the respondent police.

The prosecution/Respondent has submitted that if the property is returned to the petitioner he may alter or sold the vehicle. Further stated that the petitioner is the accused in this case. Hence this petition may dismissed.

Heard the learned counsel for the petitioner and perused the reply given by APP and respondent police. On perusal of records, it is observed that the petitioner is the accused in this case and owner of the property i.e Registration no: TN-32-BJ-4390 TVS XL Super 100 two wheeler involved in the crime, for which FIR has been registered by the Valavanur P.S, U/s. 281, 118(1), 125(a) BNS. This court taken into consideration that the guidelines given by the Hon'ble Apex Court in “ Sunderbai Ambalal Desai Vs State of Gujarat AIR 2003 SC 638, before considering the petition for this purpose if the material on records indicates that such property belongs to the petitioner and used by the petitioner at the time of the incident, Hence seized property be handed to the petitioner for the taking photographs of such property and a bond that such property to be produced if required at the time of trail after taking security”. On considering the petitioner averments, if the property is under the custody for long time, it will exposed to sunlight and rainfall and which would result in the diminishing the utility of the vehicle and become useless to anybody and nature of offence this petitioner is entitled to get back his property as he claimed. Hence, this court is inclined to allow the petition and the respondent is directed to produce the case property before this court within two weeks from the date of this order.

In result, this petition is allowed on the following conditions,

- (a) The sureties shall affix their photographs and left thumb impression in the surety bond with a copy of their Aadhar card or Bank Pass Book to ensure their identity;
- (b) The petitioner shall furnish two sureties for the sum of Rs 20,000/- each, other condition the petitioner to appear along with ID and letter to receive the property.
- (c) The petitioner shall produce a photo copy of the property.
- (d) The photo copy of the property should be attested by the petitioner, the Investigating Officer and the Head clerk of this court and the petitioner is also directed to produce a certificate U/s 63(4)(c) of the BSA.
- (e) The Petitioner is directed to produce the property as and when directed by this court.

(f) The petitioner shall not alienate the above mentioned property and shall produce the case property as and when required by this court.

(g) A panchnama shall be prepared in accordance with the Rule 257(1) Criminal Rules of Practice, 2019.

(h) The petitioner shall produce the Original Registration Certificate for verification.

It is made clear that this order will in no way stand in the way of the confiscation proceedings initiated by the concerned authorities and the petitioner is directed to cooperate for the confiscation proceedings if take by the concerned authorization.

Dictated by me to the Steno typist and typed by her directly in the computer, corrected and pronounced by me in open court on the 25th day of March 2026.

**Judicial Magistrate No. II,
Villupuram.**