

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE I CLASS-
II, PEERMADE.**

Present: Smt. Aswathy I.S., Judicial Magistrate of the First Class – II

Tuesday, the 16th day of June, 2026/26th day of Jyaishta, 1948.

CMP No. 400/2026 in Crime 981/2025

of Vandiperiyar Police Station.

Petitioner/Accused : Ajithkumar (aged 29 years/2025), S/o. Pavali, Kurishumala Puthuval Bhagam, Attappallam Kara, Kumily Village.

(By Adv. K.S. Anilkumar).

Respondent : State represented by the Sub Inspector of Police, Vandiperiyar Police Station in Crime No. 981/2025.

(By Sri. Unnikrishnan V.V. A.P.P. Gr. - II, Peermade)

Order : Petition is allowed.

This petition having been finally heard on this day, the Court passed the following:-

ORDER

1. This is a petition filed under Section 497 of BNSS by the petitioner/4th accused seeking interim custody of the Hyundai Eon Car bearing registration No. KL-26-J-7551, in PR No. 10/2026 of this Court.
2. **Petition averments, in brief, is as follows:** The petitioner is the 4th accused in this case. He purchased the above said vehicle from its registered owner, Anup R Nair, on the basis of a vehicle sale agreement, though the ownership in the Registration Certificate has not yet been transferred to his name. The vehicle was seized by the Sub Inspector of Police, Vandiperiyar Police Station in connection with Cr. No. 981/2025 under sections 189(2), 191(2), 191(3), 296(b), 115(2), 118(1), 351(1) r/w 190 of BNS. Now it is kept in the premises of Vandiperiyar Police Station exposed to bad weather. This will render the vehicle useless. Thus, this petition for getting the interim custody

of the vehicle.

3. Report was called for from the prosecution. The Sub Inspector of Police, Vandiperiyar Police Station filed report disclosing that if the vehicle is released there is likelihood to commit offences of similar nature.
4. Perused the records and heard both sides.
5. During the course of proceedings, this Court noted upon perusing the sale agreement that a portion of the sale consideration remained unpaid by the petitioner. To ascertain the entitlement of possession, notice was issued to the Registered Owner. The Registered Owner appeared and filed affidavit stating that he has no objection to the release of the said vehicle to the petitioner herein. In light of this specific no-objection, the petitioner has established sufficient locus standi to claim interim custody of the vehicle.
6. Regarding the prosecution's apprehension, while the allegations against the accused are serious, keeping the vehicle idle in the open premises of the police station will only subject it to natural decay and depreciation, serving no fruitful purpose for either the prosecution or the defence. Petitioner has produced the copies of the registration certificate, photocopy of the vehicle sale agreement and insurance certificate. While considering an application of this nature, the decision rendered by the Hon'ble Supreme Court in ***Sunderbhai Ambalal Desai V. State of Gujarat*** reported in ***AIR 2003 SC 638*** need to be considered. In the aforesaid decision it is held that the powers of 451 of Cr.P.C. should be exercised expeditiously and judiciously. It was further held that when an application is filed under section 451 of Cr.P.C., power should be exercised properly and promptly and the Magistrates should take care that the articles are not kept for long time at the police station. Applying the dictum laid down in *Sunderbhai Ambalal Desai* case, this Court is of the view that it is only proper to give the interim custody of the vehicle to the petitioner herein after taking sufficient precautions to ensure that the evidence will not be tampered. Thus, the petition is allowed and the interim custody of the vehicle is given to the petitioner on the following conditions.

- i. Petitioner shall execute a bond for Rs. 2,25,000/- (Two Lakh Twenty Five Thousand Rupees only) with two solvent sureties each for the like sum.
- ii. Petitioner shall file an undertaking that he will not alienate, encumber or make any modification in the vehicle without obtaining prior permission from this Court.
- iii. Petitioner shall produce the vehicle as and when directed by the court.
- iv. Petitioner shall not use or cause to be used the released vehicle for committing any offence.
- v. Petitioner shall produce the photographs from all angles of the vehicle along with the compact disc. The Photographs shall be attested by the petitioner and counter-signed by the Investigating Officer.
- vi. Petitioner shall produce the originals as well as the attested copies of registration certificate, insurance certificate, tax token and a certificate u/S. 63(4) of Bharatiya Sakshya Adhiniyam, 2023 issued by the photographer. The office is directed to verify, compare the copies with the originals and return the originals after making necessary endorsements.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and Pronounced in the open court on this the 16th day of June, 2026.

Sd/-

Judicial Magistrate of the First Class -II, Peermade.