

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUKAZHUKUNDRAM**

**In the presence of Thiru.S.Vineeth, B.A.,B.L.,(Hon's)
District Munsif-cum-Judicial Magistrate, Thirukazhukundram**

Wednesday, the 25th day of March 2026
**CMP.167/2026 in Cr.No.36/2026
CNRNO.TNCG120004042026**

P.V.Tatarao,
S/o.Kotteswarrao,
No.119, Andal Nagar,
Near Kolavai Lake, Thandukarai,
Chengalpattu.

...

Petitioner/Owner of the Vehicle

-Vs-

The State Represented by
The Inspector of Police,
Thirukalukundram Police Station
Cr.No.36/2026.
U/s.296(a), 79 BNS 4 of TNPHW Act.

...

Respondent

This petition came up on this day for final hearing before this Court in the presence of M/s.M.Rajivgandhi, K.Durai Murugan learned Counsels for the petitioner and the Assistant Public Prosecutor Gr.I for the respondent and upon perusing the documents and having stood over for consideration till this date, this court made the following,

ORDER

1. The petition is filed under section 497 and 503 of BNSS 2023 to direct the respondent to produce the vehicle and return the vehicle bearing Regn.No.TN-19-P-5896 as interim custody.
2. In the petition, it is stated that the petitioner is the owner of the vehicle Two wheeler, Honda Dio, bearing Registration No.TN-19-P-5896, Engine No.JF39E70187752, Chasis No.ME4JF392TTE7187741. The vehicle was seized by the respondent. The vehicle is kept in open at the respondent police station. Hence,

filed this application to direct the respondent to produce the vehicle and to return the vehicle bearing Regn.No. No.TN-19-P-5896 as interim custody.

3. A notice was issued to the respondent. A detailed reply was submitted by the Respondent police.

4. The arguments heard on the side of counsel for the petitioner. The counsel for the petitioner argued that, the petitioner is the owner of the property. The vehicle was recovered by the respondent. He is ready to produce the vehicle whenever necessary. Hence, prayed to allow the application. The Respondent Police stated that the petitioner, will not produce the property before this court and he may use the vehicle to commit similar kind of offences. Hence strongly objected to release the property to the petitioner.

5. The entire records perused. On perusal of the records, the property was recovered by the respondent on 04.02.2026. The property was produced before this court on 25.03.2026 and was numbered as C.P.No.117/2026, dated 25.03.2026.

6. On considering the facts and circumstances of this present case, the fact that petitioner is the owner of the vehicle, and as per the guidelines given by Hon'ble Supreme Court in Sundarbai Ambalal Desai Vs State of Gujarat AIR 2003 SC 638 case, this court is inclined to return the property Two wheeler, Honda Dio bearing Registration No. TN-19-P-5896, as interim custody to the petitioner with the following conditions:-

(i) The petitioner shall file an affidavit undertaking that he will not to alter the shape, and also directed not to alienate the property. The petitioner is also directed to not to commit any offence using this property.

(ii) The petitioner is directed to furnish one surety by executing a bond for a sum of Rs.50,000/- to the satisfaction of this court. The surety is directed to produce ration card and bank pass book for their identify and residential proof. Further the surety is directed to furnish two photographs and directed to make thumb impression in the bond.

(iii) The petitioner is directed to submit the Original RC Book of the vehicle before this court.

(iv) The respondent shall take photographs of the vehicle, attest the same and produce before this court along with 65B certificate.

(v) The Panchanama shall be prepared as per rules.

Failing the above conditions, the order will automatically gets cancelled.

In the result, the petition is allowed with conditions.

Dictated to the Steno-typist directly, typed by her, corrected and pronounced this order by me on 25th day of March 2026.

District Munsif-cum-Judicial Magistrate
Thirukalukundram.

