

IN THE COURT OF THE JUDICIAL MAGISTRATE, MELUR

**Present: Selvi.D.Thendraal Muthu, L.L.M.,**

Judicial Magistrate, Melur.

Dated this the 12<sup>th</sup> day of March 2026, Thursday

**CrI.M.P.No.252/2026**

in

**Cr.No.361/2025**

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Sheik Ali,  
S/o.Sahul Hameed

...Petitioner/Owner of the property

/Vs/

State through the Sub Inspector of Police,  
Othakadai P.S. in Cr.No.361/2025  
U/s.303 BNS

... Respondent/Complainant

**RPR.No.11/2026**

This petition coming on 12.03.2026 for final hearing before me in the presence of Thiru.O.K.Megavarnan, learned counsel for Petitioner and the Learned APP for the Respondent/Complainant and upon perusal of the records, this court delivers the following.

**ORDER**

1. This is an application for the interim custody of subject SF Battery -1 filed.
2. The Learned counsel for the petitioner/Owner of the property submitted that the subject SF Battery is belonging to the petitioner. The above said subject is very necessary to the petitioner and it may loss its own value, he prays for return of the recovered property.
3. The respondent submit that if the petition is allowed, the petitioner may either damage/alter/alienate the alleged subject vehicle and may not produce the property during trial. Hence the prosecution strongly opposed

to allow this petition.

4. On perusal of records it could be seen that the above said SF Battery has been produced by the police before this court and remanded in RPR.No.11/2026. The reply given by the respondent side is also considered and there is no rival claim with respect to the subject property. On considering the judgment of the Hon'ble Supreme Court in ***Sundarbhai Ambalal Desai Vs state of Gujarat***, this court is inclined to allow the petition on the following conditions.

- \* The petitioner shall execute a bond for sum of Rs.10,000/- on his own with two sureties for a sum of Rs.10,000/- each.
- \* The petitioner Shall take the photo of the SF Battery in all angles and produce the photo copy with C.D signed by I.O and produce the same before this court along with Certificate U/s.63(4)(C) of BSA.
- \* Panchanama of the SF Battery to be prepared.
- \* The petitioner shall make an undertaking that he shall produce the said property from the interim custody when the court calls for it.

5. Accordingly, this petition is allowed and interim custody is granted to the present petitioner.

Dictated by me to the Steno-typist and typed by her in computer directly and corrected and pronounced by me in open court on this 12<sup>th</sup> day of March 2026.

Judicial Magistrate,  
Melur.