

IN THE COURT OF THE JUDICIAL MAGISTRATE No-II AT ARIYALUR

**Present: Tmt. S. Swapna, B.A., B.L.,(Hons)
Judicial Magistrate No-II, Ariyalur.**

**Friday, the 19th day of June 2026
Crl.M.P.No.835/2026 in Crime No.112/2026
(On the file of the Keelapalur P.S.)**

Gokul, Age 23/2026,
S/o. Sankar,
Siruthondan Colony,
Sundakudi Post,
AlanthuraiyarKattalai,
Ariyalur Taluk & District

- Petitioner/ 3rd Party

Vs.

State represented by:
Sub Inspector of Police,
Keelapalur Police Station,
Cr.No.112/2026
R.P.No.78/2026

- Respondent/Complainant.

This application is coming before me in the presence of Learned Counsel for the Petitioner MS. M. Dhanalakshmi, B.Sc., B.L., and Learned Assistant Public Prosecutor - Grade II appearing for State and upon perusing the material records and hearing for both sides and having stood over for consideration till date, this court delivers the following,

Order

The present Petition has been filed under sec.497 of BNSS praying for an order to grant interim custody of the Bolero Maxi Truck bearing Registration No. TN 99 L 3889 (property) to the Petitioner.

1. Brief averments of the Petition :-

The Petitioner herein is the 3rd Party in crime No.112/2026 on the file of the Respondent police. The Accused of this case is the friend of this Petitioner/ 3rd Party. The Petitioner avers that he is the owner of the Bolero Maxi Truck bearing Registration No. TN 99 L 3889 which is seized by the police in the case. Thereafter the Respondent/complainant registered FIR in crime No.112/2026, U/sec.303(2) BNS r/w 21(1) MMDR Act.

The Petitioner states that if the property handed over to him he will not encumber, pledge, sell, alter or change the nature of the properties. The Petitioner also undertakes to produce the property as and when required by the court and abide by the conditions that this court may imposed for granting interim custody of the property. Hence the petitioner prays for allowing the petition.

2. Reply of the Prosecution

In their reply to the Petition the Respondent state that If the property is returned to the petitioner, he will alter or sale the case property and he will commit the same type of offences and tamper the witnesses. They further apprehend that the property may not be produced at the time of trial. For the aforesaid reasons the prosecution prays for dismissal of the petition.

3. Discussion and Decision.

3.1. Perused the records and heard both sides. The Petitioner herein is the 3rd Party in Crime No.112/2026. Accused of this case is the friend of this Petitioner/ 3rd Party. The Prosecution has not raised any doubts as to the ownership. Further the complaint has been lodged by the Respondent regarding the alleged incident promptly for all these reasons the prima facie appears to this court that the property belongs to the Petitioner/3rd Party. There is no rival claimants with regard to the

ownership of the property. The Petitioner had sufficient proof with regard to the ownership.

3.2. This court is of the view that no fruitful purpose will be served in retaining the property in custody of the police/the court for any longer. It will be appropriate to hand over the property to the rightful owner at the earliest as held by the Hon'ble Apex court in *Sunderbai Ambalal Desai Vs. State of Gujarat*, 2002(9) SCC 283.

3.3. On the other hand the objections of the prosecution cannot be completely brushed aside. The apprehensions of the prosecution can be eased by imposing suitable condition on the petitioner. Therefore in consideration of the facts and circumstances of the case, this court is inclined to grant interim custody of Bolero Maxi Truck bearing Registration No. TN 99 L 3889 to the Petitioner until the completion of trial and other proceedings in this case subject to the following conditions.

1. The Petitioner shall execute a personal bond for Rs.3,00,000/- with two sureties for like sum to the satisfaction of this court.
2. The Petitioner shall deposit the original R.C. book of the said vehicle before this Court. In case of any emergency situation and on account of genuine reason if any substantiated by the petitioner before this Court and if the court is also satisfied on requirement of original R.C. Book, the petitioner may file appropriate application for the interim custody of the same.
3. The Petitioner shall file three dimension (3D) photographs with CD of the said vehicle with 3 prints. Of the 3 prints one shall be kept in the court, one shall be handed to the Investigation officer in the case and other shall be retained by the petitioner. On the reverse side of the photographs the petitioner shall make an endorsement to the effect that property in the Photograph is the case property and the petitioner should not dispute the identity of the property at the time of trial and the same may be marked at the time of trial. The Head clerk of this

court shall attest the photograph to the effect that the image in the photograph is that of the case property.

4. The Petitioner shall not encumber or sell or mortgage or pledge or tamper with the physical appearance of said vehicle or otherwise dispose of the vehicle in any manner.
5. The Petitioner shall produce the property when required by this court or the appellate court in relation to the case proceedings.
6. The Petitioner Should produce the vehicle every month First Working day.
7. The Head clerk shall prepare a Panchanama in accordance with Rule 257(1) of Criminal Rules of Practice, 2019.

In the result, the Petition is allowed subject to the above conditions.

Directly dictated to Steno-Typist and typed by her, corrected and pronounced by me in open court on this 19th day of June 2026.

Judicial Magistrate No.II,
Ariyalur.