



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

PRESENT: THIRU.J.KARMEGAKANNAN, B.A., B.L.,

JUDICIAL MAGISTRATE, KARAIKUDI

Monday, the 06th day of July 2026

CrI.M.P.No.753 of 2026

Crime No.171 of 2026

(On the File of Karaikudi North Police Station)

CNR No.TNSV19 – 001 – 572 - 2026

K. Rasathi, (41/2026)

W/o.Kannan

. . . Petitioner/3rd Party

/vs/

The Sub Inspector of Police

Karaikudi North P.S

Cr.No.171/2026

. . . Respondent/Complainant

On today, this petition coming for final hearing before me on 06.07.2026 the presence of Advocate Mr.K.Aravindhan for the Petitioner and Learned Assistant Public Prosecutor for the Respondent. Upon perusing the records and having stood over for consideration, this court delivers the following

ORDER

1. This petition has been filed by the petitioner under section 497 & 503 of BNSS for interim custody of the property in P.R.No.147/2026 in Crime No.171/2026, u/s.126(2), 117(2), 296(b), 351(3) BNS Act seeking to release the Pulsar N 160 Bike bearing registration number TN 63 CW 8650 having chassis No.MD2B54DX9PCG45549 and Engine No.PDXCPG98846 as vehicle.



2. The brief facts of the case are that on 11.06.2026, the Respondent/ complainant police has received the information regarding the dispute between the accused and the complainant. For having seized the vehicle, the owner of the vehicle/ Petitioner filed an application under section 497 of BNSS for Interim release of the said vehicle.

3. The learned Counsel for the petitioner/owner of the Vehicle submitted that the said vehicle is kept idle in open place, the internal parts of the said vehicle is getting rusted and if the vehicle is not released, the vehicle may get damaged and the petitioner will put to irreparable loss and hardship. It is further contended that, if the said vehicle is released, the petitioner ready to abide by the conditions to be imposed by this court and ready to offer sureties. On these grounds, he prays for allowing the petition.

4. Per, contra, the learned Assistant Public Prosecutor would contended that if, the vehicle is released the petitioner/owner of the vehicle will continued the said offence of the using the same vehicle. If the vehicle is returned to the petition, it will affect the trial. On these grounds, he prays for dismissal of the petition.

5. I have gone through the submissions made by the learned Counsel for the petitioner and the learned Assistant Public Prosecutor and also perused the records.



6. It is contended by the learned counsel for the petitioner that if the said seized vehicle kept in the open space and left unused, then under such circumstance it is going to loose its value, it may get rusted and it may become valueless. In that light, the **Hon'ble Apex Court in the case of Sunderbhai Ambalal Desai Vs. State of Gujrat reported in AIR SC 2003 Page 638** has been observed that it is of no use to keep the seized vehicle at the police station for a long time. It is for the court to pass appropriate orders immediately by taking proper bond and guarantee, as well as security for return of the said vehicle, if required at any point of time that can be ordered to be produced.

7. In view the above said facts and circumstances, the petition is allowed, and the Pulsar N 160 Bike bearing registration number TN 63 CW 8650 is ordered to be released to the petitioner/owner subject to the following conditions;

(i)The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties like sum.

(ii)The petitioner should not change or alter the nature, condition and color of the vehicle;

(iii)The petitioner should not take away the parts of the vehicle



(iv) Before getting the vehicle released in favour of the petitioner, the Investigating Officer shall take photographs of the vehicle from all angle and to submit the CD certified under section 63(4) of BSA and the petitioner have to endorse that they will not dispute the identity of the said vehicle, and submit proper panchanama before this court.

(v) The petitioner should file an affidavit to the effect that they will produce the said vehicle before the Court as and when required.

(vi)The petitioner should file an affidavit to the effect that in the event of any order of confiscation, she will surrender the said vehicle before the Court or else the value of the said vehicle is liable to be confiscated from the properties of the petitioner or can proceed with the properties of sureties given at the time of release of the vehicle.

(vii)The petitioner shall produce the Original RC.Book before this court.

Order pronounced by me in the open court on the 06th day of July 2026.

Judicial Magistrate,
Karaikudi.