

IN THE COURT OF JUDICIAL MAGISTRATE AT ANDIPATTI

Present: Thiru.H.Fazil Mohamed B.B.A, LL.B (Hons)

Judicial Magistrate Andipatti

On this 10th day of July 2026

Crl. M.P.No.1548/2026

In

R.P.R.No. 419/2025

Nagaarjun S/o.Kaliyappan

...Petitioner/Owner of the property

- Vs -

The State rep. by Inspector of Police,

Aundipatti P.|S

Crime No.432/2025

U/s. 191(2), 191(3), 296(b), 115(2), 118(1),118(2), 351(3), 109, 49,BNS
& 4 of TNPHW ACT,

...Respondent/ Complainant

This petition came up for a final hearing before me today. Upon hearing the arguments of both sides and upon perusing the documents and having stood over for consideration till this day, this court delivers the following

ORDER

1. The Petitioner has filed this Petition Under Section 497 of B.N.S.S. praying to produce the vehicle before the court and return the case property i.e., **TN 65 BV 0189 KTM 250 DUKE** to the petitioner on interim custody. The Respondent was issued notice.
2. The respondent replied that the property was produced before this court and remanded in **R.P.R.No. 419/2025 Dated 12.11.2025** and strongly opposed to return of the vehicle as the vehicle was involved in the commission of offence u/s U/s. 191(2), 191(3), 296(b), 115(2), 118(1),118(2), 351(3), 109, 49,BNS &4 of TNPHW ACT,

3. Heard the Learned Counsel for the Petitioner .
4. The case property vehicle **TN 65 BV 0189 KTM 250 DUKE** is alleged to have been involved in the commission of offence U/s. 191(2), 191(3), 296(b), 115(2), 118(1),118(2), 351(3), 109, 49,BNS &4 of TNPHW ACT,
5. The learned counsel for the Petitioner would submit that the said vehicle was seized by the respondent police in the above Cr. No.432 of 2025 and the said property was produced before the Court in **R.P.R.No.419/2025** and the said vehicle has been kept in the open place.
6. The respondent has opposed granting interim custody of the said vehicle to the Petitioner as the vehicle is involved in the commission of the offence and the petitioner may sell the vehicle and abscond.
7. The Hon'ble Supreme Court in **Sunderbha1 Ambalal Desai vs State Of Gujarat AIR 2003 SC 638** has held that

“In our view, whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.”

8. This Court finds that the vehicle is kept in an open space exposed to vagaries of weather gets rusted and the value of the vehicle gets diminished. The petitioner/ Owner also undertakes that he will not

alienate the vehicle pending disposal of the suit and to produce it whenever required by the court. For the foregoing reasons, this Court is inclined to return the vehicle to the petitioner in interim Custody.

9. In this result, the petition is allowed and, directed to return the **TN 65 BV 0189 KTM 250 DUKE** to the petitioner in Interim Custody on the following conditions:

- i. The petitioner is directed to produce the original R.C. book of the above-said vehicle to this Court.
- ii. The petitioner shall execute a bond of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each. In compliance with the above conditions, the vehicle may be released.
- iii. The petitioner shall not alienate or encumber the property, and he will not change the physical appearance of the vehicle till the final disposal of the case.
- iv. A detailed Panchama is to be prepared
- v. The property shall be photographed and photographs and the Pendrive (along with 63 BSA Certificate) shall be attached with the Form 95. The photographs shall be duly attested by the petitioner, and the head clerk of this court.
- vi. The petitioner shall produce the vehicle before the Court whenever required.

This order is dictated to Steno-typist, typed by her in Computer, corrected and pronounced by me in the open court on this the 10th day of July 2026

**Judicial Magistrate,
Andipatti**