

IN THE COURT OF JUDICIAL MAGISTRATE, KANGEYAM

PRESENT : Miss. D. Thenmozhi., B.A., B.L.,L.L.M.,

Judicial Magistrate, Kangeyam

Monday, the 09th day of March, 2026

E.Crl.M.P. No.111/2026

in

Crime No.39/2026 Vellakovil P.S

Ganesan,
S/o. Chinnyappan.

... Petitioner/ Owner of the property

/ Vs /

The State rep.by
The Inspector of Police,
Vellakovil Police Station,
Crime No.39/2026,
U/s.324(6), 118(1), 351(2) BNS

... Respondent / Complainant

This petition has come up on 09.03.2026 for final hearing before me in the presence of Mr. K.S Senthilkumar Bsc.,B.L., learned counsel appearing for the petitioner / Owner of the property and the Learned APP for the respondent and upon hearing both side and upon perusal of the records, this court delivers the following:

ORDER

1. This petition filed U/s. 498 and 503 of BNSS for returning the property Bajaj Discove Bike, its Registration No.TN 42 V 8474, Chassis No. MD2A14AZ1DWL34444 and Engine No.JBZWDL23628 seized by the Vellakovil Police in Cr.No.39/2026, U/s. 324(6), 118(1), 351(2) BNS as interim custody to the petitioner.

2. Notice issued and the prosecution has filed their reply.

3. The learned counsel for the petitioner would contend that, the case property belongs to the petitioner and the Vellakovil Police seized the said vehicle from the accused and now the vehicle is kept in the police station. The property is said to have been seized by the Vellakovil police has been remanded before this court in PR.No.30/2026. The property is a Bajaj Discove Bike and if kept idle, the value of the vehicle will go down. Therefore, he sought for allowing the application and handed over the vehicle to the petitioner as interim custody.

4. On the order hand the prosecution has stated in the reply that, the case investigation is pending, if the vehicle handed over to the petitioner there is a possibilies of mortgaging the vehicle converting it or selling it and he will not produce the court during the trial time. Hence objected to handed over to the petitioner to the vehicle.

5. The petitioner is stated to be the owner of the property and the prosecution also does not object with regard to the ownership. Further, as per the petition and on perusal of case records it is seen that the vehicle involved in the offence. Furthermore, if it is kept unused for a long time, the engine may get struck up and the value of the property may get reduced. Further *the Hon'ble Supreme Court of India in the decision as reported in 2003(1) C.T.C page 175 – Sundarbhair Ambalal Desai Vs State of Gujarat* has laid down certain guidelines to the Magistrates to hand over the properties at the pre-trial stage.

6. Taking all the facts and circumstances of this case and guidelines issued by the Hon'ble Supreme Court of India, it will be just and proper to hand over the property to the petitioner herein as interim custody. After all, the petitioner is going to hold the

property in the capacity of the bailee or trustee.

7. In the result, the case property Bajaj Discove Bike, its Registration No. TN 42 V 8474 seized by the Vellakovil Police in Cr. No.39/2026, U/s. 324(6), 118(1), 351(2) BNS and directed to be handed over to the petitioner herein as interim custody on the following conditions:-

- I. He shall not sell or pledge the property in what so ever manner; He shall not alter the structure and colour of the vehicle;
- II. He shall keep the vehicle in same condition and produce the same as and when required by this court;
- III. He shall pay all statutory dues as and when arises;
- IV. The petitioner shall furnish Two sureties, each for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only)
- V. The petitioner shall surrender the Original R.C book of the said vehicle before this court;
- VI. He shall cause a photograph of the vehicle has to taken in three colour prints (One print to Court, one to C.D. file and one to the petitioner). On the reverse side of the photograph, he should make an endorsement to the effect that, he will not dispute the identity of property in the photograph at the time of trial;
- VII. The Head Clerk of this Court shall attest the photograph to the effect that the image in the photograph is that of the vehicle;
- VII. Panchanama of the vehicle to be prepared.
- VIII. This petition is allowed accordingly.

Directly dictated to the Steno-Typist, corrected and pronounced by me in the open Court, this 09th day of March 2026.

Judicial Magistrate,
Kangayam.