

**IN THE COURT OF JUDICIAL MAGISTRATE NO. II, TIRUPATTUR,**  
**TIRUPATTUR DISTRICT**

**Present:- Tr. S. Kovendhan., B.A., L.L.B., (Hons).,**  
**Judicial Magistrate No.II, Tirupattur**

**Tuesday this the 10<sup>th</sup> day of Marh-2026**

**Crl.MP.No.717/2026**  
**in**  
**Cr.No.482/2024**

Subalakshmi, D/o.Arumugam

**..... Petitioner**

**-Vs-**

The Sub-Inspector of Police,  
Kandili Police Station,  
Tirupathur.

Crime No.482/2024

U/s.126(2), 127(2), 115(2), 140(2) BNS

**.....Respondent**

The Petition has been taken on file on 19.02.2026 and came up for final hearing before me today in the presence of the Learned counsel Mr.C.T.Chenguttuvan appearing for the Petitioner and the learned APP.Gr.II appearing for the Respondent and after hearing both sides and on perusal of records and having stood over for my consideration till this day, this court delivered the following,

**1. BRIEF AVERNMENTS IN THE PETITION :**

a) This petition was filed by the petitioner stating that on 10.10.2025 this petitioner's the above case said vehicle namely **TN 83 W 1271** was seized by the respondent police and had registered a case in **Crime No.482/2024, U/s.126(2), 127(2), 115(2), 140(2) BNS**. The above said vehicle has kept in police station due to which there are possibility of vehicle being damaged due to rain and shain and that the above said vehicle so, he prays to return the case property undertaking that he will not sell, change its nature and will not involve in similar offence.

b) Respondent police had given reply that, if the property is returned there are possibilities of involving the same in similar offence and he will sell it or mortgage it, so strongly oppose this petition.

c) Reply received from the Learned APP has submitted reply that, the investigation of this case is pending, if the property is returned to the petitioner he will sell it or mortgage it and he will not to produce the case property during the court trial. So, strongly oppose this petition.

## **2. POINTS FOR CONSIDERATION:**

### **WHETHER THE CASE PROPERTY AVERRED IN THE PETITION CAN BE HANDED OVER TO THE CUSTODY OF THE PETITIONER, IF SO, WHAT SHALL BE THE CONDITIONS IF ANY?**

Heard Both. Records perused. At the stage of enquiry, this petitioner is the owner of the case property and he produced the original RC for the vehicle namely Honda Activa bearing Reg.No. TN 83W 1271, Chassis No.ME4JF506AGT098399, Engine No.JF50ET4098689. The respondent police & APP object to return the case property to this petitioner, but they did not denied the ownership of the petitioner. Further more, the above said vehicle was produced before this court and assigned CP No.26/2025.

b) While that being so, when this petitioner is the owner of the property and when there is no objection denying the ownership of this petitioner, it is of no doubt that if the vehicle is left unused it will cause damages to the mechanical parts in it, which would certainly incur a loss to the petitioner. Moreover detaining the vehicle in the station also would result in causing damage and depreciation to the vehicle as observed by Our *Hon'ble Supreme Court in Sundar Bai Ambalal Desai Vs. State of Gujarat, reported in AIR 2003 SC.638.* Hence, in order to avoid any damage to the property, this court finds it appropriate to return the case property Honda Activa bearing Reg.No. TN 83W 1271, Chassis No.ME4JF506AGT098399 Engine No.JF50ET4098689.

involved in **Kandili Police Station, Cr.No.482/2024** shall be given only to the petitioner on the following conditions,

a) The petitioner is required to executed a bond for sum of **Rs.60,000/-** **along with one surety** for the like sum.

b) The petitioner shall make an undertaking to produce the property whenever required by this court and also at the time of giving evidence before this court.

c)The petitioner is required to make a personal undertaking that he would not alter the nature as well as the feature of the property in any manner.

d) The petitioner shall produce attested photo with C.D. and undertaking affidavit along with sec 63(B) certificate of B.S.A.

e) Necessary panchanama is to be obtained from the petitioner and sureties.

*Dictated to Steno typist and typed by  
her and corrected by me and  
pronounced by me on 10<sup>th</sup> day of March  
2026.*

**Judicial Magistrate No.II  
Thirupathur.**