

**IN THE COURT OF JUDICIAL MAGISTRATE No. I, TINDIVANAM**

**PRESENT: Smt. M. Elavarasi, M.L.,  
Judicial Magistrate No. I, Tindivanam**

**On Wednesday, this the 18<sup>th</sup> day of March 2026**

**CrI.M.P. No: 161 of 2026**

**in**

**Cr. No. 14/2026**

Monika, age 22  
D/o Elumalai

...Petitioner/3<sup>rd</sup> Party

//VS//

State represented by,  
The Inspector of Police,  
Vellimedupettai Police Station.

...Respondent/Complainant

This petition was taken up for hearing today before me in the presence Thiru. T. Mageshbabu, B.A., B.L., Learned Advocate for the Petitioner/3<sup>rd</sup> Party and in the presence of the Learned Assistant Public Prosecutor for the state and upon hearing the arguments of both sides, and this court passed the following:

**ORDER**

Petition for interim custody of property

1. This Petitioner/3<sup>rd</sup> Party filed this petition U/Sec. 497 and 503 BNSS to grant interim custody of property namely **HONDA DIO SCOOTY** bearing Registration No. **TN-16-K-4696** on reason that petitioner is the owner of the property. The property was seized by the respondent/police and registered the case in Cr. No. 14/2026 for offence under section 103(1), 296(b), 61(2), 115(2), 118(1), 238 BNS of Vellimedupettai Police Station. The Petitioner submits that the above said property is in the Custody of the Police and she using his vehicle for day to day life. If it is kept in open sunlight and in rain, it would cause damage to his vehicle and he prayed for Interim custody of the property. Hence, prays to allow this petition.

2. The Prosecution strongly objected this petition and replied that the petitioner and her husband does not possess driving licence, if the returned to the petitioner cause an accident, and fail to produce the case property during trial. It has also been reported that, at the time of the incident, the said vehicle was involved in this case and he will not produce it during trial which will prejudice the case of prosecution. Hence, pray for dismissal.
3. **In the case property of Item: HONDA DIO SCOOTY** bearing Registration No. **TN-16-K-4696** in PR. No. 30/2026 in Cr. No. 14/2026 under section 103(1), 296(b), 61(2), 115(2), 118(1), 238 BNS of Vellimedupettai Police Station.
4. This court taken into consideration that the guidelines given by the Hon'ble Apex Court in *Sunder Bai Ambalal case 2003 (1) CTC 176* before considering the petition for this purpose. If material on record indicates that such property belong to the petitioner and used by the petitioner at the time of incident, hence seized the property be handed to the petitioner of the taking photographs of such property and a bond that such property could be produced if required at the time of trial after taking security.
5. Considering the circumstances of this case and the offences involved in Cr. No. 14/2026 under section 103(1), 296(b), 61(2), 115(2), 118(1), 238 BNS of Vellimedupettai Police Station. The petitioner is the owner of the property and 3<sup>rd</sup> party in this case and sister of 2<sup>nd</sup> accused and no requirement for withhold the property, this court is inclined to allow this petition and to return the property to the petitioner as interim custody with conditions.

**In the result, this petition is allowed on the following condition:**

- i. The petitioner shall execute a bond for Rs. 80000/- (Rupees Eight Thousand only) with two sureties Rs.80,000/- each to the satisfaction of this court.
- ii. The petitioner shall produce original RC book before this Court.

- iii. A panchanama shall be prepared in Judicial Form No.82 of Criminal Rules of Practice and produce photographs of the property in all angles along with certificate U/s. 65B of Indian Evidence Act, as prescribed under rule 257 of Criminal Rules of practice and to produce the vehicle whenever required by this court and at the time of trial.
- iv. The Petitioner to submit affidavit that he will not alienate encumber or change the physical features of the properties till final disposal of the case and to produce the vehicle whenever required by this court or by the Hon'ble Sessions Court.

Dictated by me to the Typist, corrected and pronounced by me in the open court on this 18<sup>th</sup> day of March 2026.

Judicial Magistrate No.I,  
Tindivanam.