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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.30411 of 2025

S.Dinesh Kumar

... Petitioner

Versus

The State rep by its,
The Inspector of Police,
Ambur Town Police Station, Ambur,
Thirupathur District.
(Crime No.201 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.201 of 2025 on the file of the respondent police.

For Petitioner	:	Mr.Thiyaga Rajan
For Intervenor	:	Mr.V.M.Venkatramana for M/s.Dass and Viswa Associates
For Respondent	:	Mr.S.Udaya Kumar, Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest by the respondent police for the offences punishable under Sections 420, 474, and 477 of IPC, in Crime No.201 of 2025 seeks anticipatory bail.

2.The allegation against the petitioner is that the petitioner joined



hands with his mother and constructed a house in the property purchased by the defacto complainant and thereby encroached and grabbed the property of the defacto complainant.

3.The learned counsel appearing for the petitioner submitted that they had purchased the property in the year 1994 itself and the property was shown to him was taken possession and they also constructed a house therein and only thereafter it has come to light that the house constructed is not in Plot No.110, and instead it is constructed in Plot No.111, and hence there is no criminality involved in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned counsel for the Intervenor submitted that the defacto complainant purchased the property from the very same vendor in Plot No.111 and till the year 2020, the land was vacant and since they have not looked after the land, taking advantage of their absence, the petitioner has constructed a house, and opposed for the grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the



investigation in this case is pending and FIR has been registered only recently. However, he opposed for grant of anticipatory bail to the petitioner.

6.I have gone through the records and it reveals that in the year 1994 itself, when the petitioner was minor, his mother had purchased the property situated in Plot No.110. However, now it is revealed that they have constructed a house in the property of Plot No.111 and it is stated that the constructed house was completed in the year 2020 itself. Hence, I am of the view that for the investigation of the case of this nature the custodial interrogation of the petitioner is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate, Ambur***, on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand Only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

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1. The Judicial Magistrate,
Ambur.
2. The Inspector of Police,
Ambur Town Police Station, Ambur,
Thirupathur District.
3. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.

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