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Crl.O.P.No.35648 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.DHANABAL

Crl.O.P.No.35648 of 2025

Karunakaran @ Karna

... Petitioners / Accused

Vs

The State, Rep. by
The Inspector of Police
Periyapalayam Police Station
Tiruvallur
Crime No.314 of 2025.

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of B.N.S.S., 2023
praying to enlarge the petitioner on bail in the event of his arrest in Crime
No.314 of 2025 on the file of the respondent police and thus render justice.

For Petitioner : Mr.K.Karthik

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner / Accused who apprehends arrest in the hands of the
respondent police for the offences punishable under Section 296(b), 226 of BNS
Act , in connection with Cr.No.314 of 2025, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner has attempted to encroach into the subject property which is allocated for formation of New Lake under Mahatma Gandhi National Municipality Work Scheme and when this was noticed by the defacto complainant, who is a Block Development Officer, he lodged a complaint.

3. The learned counsel appearing for the petitioner submitted that he is an operator and he resided near the subject property temporarily to carry out the work. The defacto complainant when visited the property, had abused the petitioner and his family and lodged a false complaint. The petitioner had not attempted to encroach the property as alleged by the prosecution. The learned counsel further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the defacto complainant who is a Block Development Officer had lodged a complaint alleging that the accused had encroached the Government Poromboke land. The learned Government Advocate on instructions submitted that there are no previous case pending as



against the petitioner. However, he reiterated the prosecution case and opposed to grant anticipatory bail to the petitioner.

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5. Heard the learned counsel and also the learned Government Advocate and also perused the materials available on record.

6. Considering the nature of offence and that the dispute is in regard to the encroachment of the property and that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **District Munsif cum Judicial Magistrate Court, Uthukottai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent-police on every

Saturday at 10.30 a.m., for a period of four weeks.



[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

30.12.2025

ds/dn

Note :

- 1. Registry is directed to forthwith upload this order in the official website of this Court.*
- 2. All concerned shall act on this order being uploaded in the official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.*



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To:

1. The District Munsif cum Judicial Magistrate Court
Uthukottai.
2. The Inspector of Police
Periyapalayam Police Station
Tiruvallur.
3. The Public Prosecutor
High Court, Madras.



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P.DHANABAL, J.,

ds/dn

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