



Crl.OP.No.7604 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.06.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CRL OP NO.7604 of 2025

Vignesh

...Petitioner/Accused - 5

Vs

The State Rep. By
The Inspector of Police,
Villianur Police Station,
Puducherry.
(Crime No.317 of 2022)

...Respondent/Complainant

Prayer:-Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on anticipatory
bail in the event of his arrest in Crime No.317 of 2022, on the file of the
respondent.

For Petitioner : Mr.C.Pushaparaj

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor
(Puducherry)
Assisted by
Ms.N.Danalatchaamy



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ORDER

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The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 143, 120(b), 302 IPC r/w Section 149 of IPC, in Crime No.317 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.11.2022, the son of the *de-facto* complainant was found dead and out of a total of eight accused, the petitioner is arrayed as A5, who is one of the informers and he assisted A1 in the said occurrence. Hence, a complaint was registered against the petitioner.

3. The contention of the learned counsel for the petitioner/A5 is that the petitioner is not a named accused in the FIR and he was not aware of the pendency of any case against him. In fact, in the case of Crime No.317 of 2022, a Charge Sheet has been filed in which the petitioner's name was arrayed as Accused No.5. [P.R.C.No.83](#) of 2023 was filed, which is pending before the learned Judicial Magistrate No. VI, Puducherry and hence, he had filed the above petition.



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4. The learned Public Prosecutor (Puducherry) strongly opposed the petitioner's contention, stating that this is the fifth anticipatory bail application. Earlier, five petitions were dismissed. Further, on completion of the investigation, an absconding Charge Sheet has been filed against the petitioner. Hence, a non-bailable warrant was issued.

(b) He further submitted that the petitioner can very well approach the Trial Court to recall the non-bailable warrant and there is no change of circumstances to entertain the above anticipatory bail application; and that there is a specific *overt act* against the petitioner.

5. It is seen that NBW has been issued against the petitioner on 15.11.2023 and earlier the case was split up as against the other accused in P.R.C.No.24 of 2023, which has been committed and taken on file as S.C.No.61 of 2023, which is pending trial before II Additional District Court, Puducherry, in which already four witnesses have been examined and the next hearing date is 05.06.2025.



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6. In view of the above, this Court is not inclined to grant anticipatory bail to the petitioner. It is made clear that the petitioner can very well approach the lower court to recall the NBW. The same is to be considered on merits without delay.

7. Accordingly, the Criminal Original Petition is dismissed.

03.06.2025

dk

To:

1. II Additional District Judge,
Puducherry
2. The Judicial Magistrate No. VI,
Puducherry.
3. The Inspector of Police,
Villianur Police Station,
Puducherry.
4. The Public Prosecutor,
Puducherry.



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M.NIRMAL KUMAR, J.
dk

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