

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1327 of 2015

ORDER:

The petitioners, who are accused Nos.1 to 5, filed the present Criminal Petition under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.68 of 2014 of Pedanandipadu Police Station, Guntur District, registered for an offence punishable under Section 395 IPC.

At the time when the matter is taken up for hearing, it is brought to the notice of the Court that earlier the petitioner approached this Court vide Criminal Petition No.102 of 2015 seeking the same relief, which was rejected on 27.01.2015. Now the present application is filed stating that the police have completed the investigation and filed the charge sheet.

In ***State of Tamilnadu vs. S.A.Raja***^[1] the Apex Court held that without there being any major change of circumstances, another fresh application should not have been dealt with within a short span of time unless there were valid grounds giving rise to a tenable case for bail. The Court further held the principles of *res judicata* are not applicable to bail applications, but the repeated filing of the bail applications without there being any change of circumstances would lead to bad precedents.

Earlier this Court dismissed the application filed by the petitioners holding that the accused herein were identified by two witnesses and substantial amount was recovered from their possession. This Court also felt that as the accused hails from Rajasthan, there is every possibility of them evading the process of law if released on bail. However, this Court while dismissing the application, directed the learned Magistrate concerned to commit the

case to the Court of Sessions at the earliest and the learned Sessions Judge would advised to dispose of the case at the earliest on day to day basis. As stated earlier the bail application filed by the petitioner was rejected only on 27.01.2015. There are no changed circumstances warranting interference from the earlier order.

In view of the judgment referred to above, since the allegations in the report do make out a *prima facie* case and as there are no changed circumstances, I am not inclined to grant bail to the petitioners.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

27.02.2015

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[\[1\]](#) 2005 (8) SCC 380