

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 554 of 2015

ORDER:

The petitioner, who is accused No.160, filed the present Criminal Petition under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.179 of 2013 of Renigunta Urban Police Station, Chittoor District, registered for the offences punishable under Sections 147, 148, 341, 302, 307, 332, 333, 120-B, 396, 397 read with 149 IPC and Sections 20(1)(c)(ii) (iii) (iv) (v) (vi) (x) of the Andhra Pradesh Forest Act, 1967.

Heard learned counsel for the petitioner and learned counsel for the respondent-State.

At the time when the matter is taken up for hearing the learned Public Prosecutor submits that previously the petitioner filed an application for the same relief which was dismissed by this Court on 20.01.2015. There being no changed circumstances from the date of dismissal he seeks dismissal of the petition.

The learned counsel for the petitioner submits that the petitioner is resident of Maddalakunta Village, Peddapanjani Mandal, Chittoor District and is having a permanent abode. Except the allegation in the charge sheet that the petitioner damaged Tata Sumo bearing No. AP 03 AB 5192 and Commander Jeep No.AP 03 AP 1204, there is no other allegation against the petitioner. According to him, none of the witness spoke about his role and no test identification parade was conducted. It is urged that the said fact was not brought to the notice of the Court at the time of hearing of the earlier application.

As stated earlier the bail application filed by the petitioner was rejected on 20.01.2015 after perusing the entire record. There are no changed circumstances warranting interference of this Court.

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 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.

In view of the judgment referred to above and since the allegations in the charge sheet do make out *prima facie* case, I am not inclined to grant bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

20.02.2015

gkv

-

-

-

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