

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1869 of 2015

ORDER:

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The petitioner, who is the sole accused in Crime No.11 of 2014 of Kothavalasa Police Station, filed the present Criminal Petition under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in the above crime, registered for an offence punishable under Section 376 IPC.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the petitioner.

It is to be noted that earlier the petitioner filed Criminal Petition No.736 of 2015 seeking bail. It is brought to the notice of the Court by the learned Public Prosecutor that on earlier occasion when the Court expressed its opinion about the case, the counsel for the petitioner withdrew the same. It is true that the said fact is not mentioned in the order, but it appears to be so. The counsel for the petitioner now tries to contend that the present complaint is filed with a malafide intention when the informant was removed from the membership.

In ***State of Tamilnadu vs. S.A.Raja*** the Apex Court held that without there being any major change of circumstances, another fresh application should not be 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 that though principles of *res judicata* are not applicable to bail applications, but repeated filing of the bail applications without there being any change of circumstances would lead to bad precedents.

On earlier occasion when this Court expressed its opinion the counsel withdrew the petition. Though the petitioner is in jail for the last 60 days, there are no changed circumstances in law or on facts warranting release of the petitioner on bail at this stage.

Accordingly, the Criminal Petition is dismissed, leaving it open to the petitioner to renew the same at an appropriate time.

JUSTICE C. PRAVEEN KUMAR

13.03.2015

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