

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Criminal Petition No.3863 of 2016

ORDER :

The petitioner, who is accused No.5, preferred the present application under Section 438 Cr.P.C., seeking release in the event of his arrest in Crime No.344 of 2015 of Nandigama Police Station, Krishna District, registered for the offence punishable under Sections 302, 109 read with Section 34 I.P.C.

It is alleged that the deceased is the younger brother of the informant. On 29-11-2015, Chilaka Jebhadaiah (A-3) and his son David Raju (A-1) threatened to kill the deceased and on 01-12-2015 when the deceased along with one A.Suresh, advocate, went to one baddi shop at Bommidala company, the said David Raju and Chilaka Nagaraju (A-2) came there and stabbed the deceased with a knife and killed him at the instigation of the petitioner and others.

The learned counsel for the petitioner submits that in the absence of any allegation against the petitioner in the First Information Report, the petitioner is entitled for anticipatory bail.

The learned Public Prosecutor opposed the application.

As seen from the record, the petitioner earlier filed Criminal Petition No.836 of 2016 before this Court seeking anticipatory bail and the same was rejected by this Court on merits on 03-02-2016.

In the absence of any changed circumstances both on

facts and law; as the investigation is still going on, and in view of the judgment of the Apex Court in ***Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu***^[1], the question of considering the request of the petitioner would not arise. It is also to be noted that in the F.I.R. there is a reference to the petitioner as the person who instigated others in commission of the offence. Having regard to the same, the request of the petitioner is rejected.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Dt: 28.03.2016

skmr

^[1] AIR 2005 SC 921