

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2316 of 2016

ORDER

The petitioner, who is A1, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.467 of 2015 of V Town Police Station, SPSR Nellore District, registered for the offences punishable Sections 307, 506 read with Section 34 IPC.

2. A perusal of the material on record shows that earlier on 19.01.2016, the application filed by the petitioner for anticipatory bail was dismissed for default. Thereafter, on 08.02.2016, similar application filed by the petitioner was rejected on merits. Though the learned counsel for the petitioner submits that the petitioner is a public servant and if he is arrested, he may lose his job, it is to be noted that after rejection of earlier application filed by the petitioner, there is no change in facts and circumstances of the case. In the absence of any change in fact and law and in view of the judgment of Apex Court in ***Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu***^[1], this application for the self same relief, which was earlier dismissed by this Court, cannot be entertained. Hence, the request of the petitioner is rejected. However, the petitioner, if so advised, shall surrender before the Court concerned and make an application for regular bail after giving prior notice to the Public Prosecutor, in which event, the same shall be dealt with on merits in accordance with law either on the same day or at the earliest.

3. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this

criminal petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

2nd March, 2016
sj

[\[1\]](#) AIR 2005 SC 921