

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.1050 of 2016

ORDER:

The petitioner, who is accused No.1, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.305 of 2015 of Proddatur Rural Police Station, YSR Kadapa District, registered for the offences punishable under Sections 323, 326 and 506 read with 34 IPC.

The allegation against the petitioner is that he along with accused No.2 abused and assaulted the informant, her husband and her maternal uncle in a marriage function, as there are some monitory disputes between them.

At the time when the matter is taken up for hearing, it is brought to the notice of the Court that earlier the petitioner along with accused No.2 filed Criminal Petition No.310 of 2016. By an order dated 19.01.2016, this Court while granting anticipatory bail to accused No.2 rejected the request of the petitioner, having regard to the nature of allegations made against him. Thereafter, the present application is again filed seeking same relief. In the absence of any change in the circumstances both on facts and law and 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. 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.

With the above direction, the Criminal Petition is disposed of.

C. PRAVEEN KUMAR, J

19.02.2016

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