

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.12438 of 2016

ORDER:

The petitioner, who is accused No.1 in Crime No.268 of 2016 of Jadcherla Police Station, Mahaboobnagar District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with above crime registered for the offences punishable under Sections 452, 307, 323, 504 and 506 r/w.34 of Indian Penal Code.

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 A.3 filed CrI.P.No.9050 of 2016, which was dismissed by this Court vide order dated 30.06.2016. Thereafter, the present application is filed seeking the same relief. The issue as to whether an application for bail/anticipatory bail can be filed without there being any changed circumstances, came up for consideration before the Apex Court in ***Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu***^[1], wherein the Apex Court held as under:

“Even though there is room for filing a subsequent bail application in cases where earlier applications have been rejected, the same can be done if there is a change in the fact situation or in law which requires the earlier view being interfered with or where the earlier finding has become obsolete.”

In the absence of any change either on fact or in law and having regard to the judgment of the Apex Court referred to above, I am not inclined to grant anticipatory bail to the petitioner.

However, the petitioner is always at liberty to surrender before the concerned Court and move an application seeking regular bail after giving prior notice to the concerned Public Prosecutor, in which event the same shall be considered in accordance with law either on the same

day or atleast on the next day on such terms and conditions as the Court deems fit.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

29.08.2016
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[\[1\]](#) AIR 2005 SC 921