

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.13630 of 2015

ORDER:

This Criminal Petition is filed under Sec.438 of Cr.P.C. seeking anticipatory bail in the event of arrest of the petitioner/A1 in Cr.No.98 of 2015 of Yerpedu Police Station, Tirupati Urban, registered for the offences punishable under sections 448, 323, 353 r/w.34 IPC.

Heard both sides. Perused the record.

The allegations in brief in so far as the petitioner/A1 is concerned that on the date of the incident, the petitioner/A1 requested the *de facto* complainant who is working as Air India Airport Manager at Tirupati to accept his two relatives passengers who came late to the airport to board A1-541 Flight, that the *de facto* complainant expressed his inability, due to which A1 came to his cabin, slapped him and all his followers attacked him indiscriminately.

The non-petitioners, who are arrayed as A3 to A7 and A9 and A10 have filed anticipatory bail applications in CrI.P.Nos.12840 & 12841 of 2015, and by order dated 11.12.2015 this Court dismissed the request of the non-petitioners for grant of anticipatory bail, but however, directed those accused to surrender before the learned Magistrate concerned and move applications for regular bail and directed the learned Magistrate to dispose of the bail applications, if filed, on the same day, in accordance with law.

In so far as the present petitioner/A1 is concerned, who is a Member of Parliament of Rajampet Constituency, previously he filed W.P.No.38945/2015 under Article 226 of the Constitution of India and pending disposal of the said writ petition, he also filed WPMP.No.50193 of 2015 seeking stay of all further proceedings, including the arrest of the petitioner/A1. By order dated 01.12.2015 this Court passed the following order in the said WPMP.No.50193 of

2015 in W.P.No.38945/2015;

“As the investigation in the subject offence is yet to commence and the allegations leveled require to be examined by the police authorities concerned, there can be no stay of arrest as prayed for by the petitioner at this stage.

However, the police authorities shall comply with the provisions of Sections 41 and 41-A Cr.P.C in true letter and spirit while going about the investigation of the crime and dealing with the petitioner, an accused therein.

Needless to state, the police authorities would also be mindful of the duties required to be discharged by the petitioner as a People’s Representative in this regard.”

Subsequently, the petitioner/A1 filed CrI.P.No.12671/2015 under section 438 Cr.P.C seeking grant of anticipatory bail to him. This Court by order dated 11.12.2015, after recording the previous order of this Court in W.P.No.38945/2015 filed by the petitioner/A1, dismissed the criminal petition after reiterating the observations made by this Court in the writ petition and further directed the police to follow the provisions under Section 41 and 41-A Cr.P.C strictly.

For the self-same relief, the present criminal petition is filed. The only changed circumstance that is brought to the notice of this Court by the learned counsel for the petitioner/A1 is that after the previous applications were dismissed, the investigating agency altered the section of law into under sections 448, 333 r/w.34 of IPC on 10.12.2015.

The fact that the section of law altered has already been taken into consideration by this Court while disposing of the CrI.P.No.12671/2015 on 11.12.2015.

In that view of the matter, I find no other changed circumstances to consider the present application. Therefore, I am not inclined to grant any further relief other than the relief that has already been granted by this Court to the petitioner/A1 in WPMP.No.50193/2015 in WP No.38945/2015 and in CrI.P.No.12671/2015.

In view of the above, the Criminal Petition is dismissed, subject to however the observations made by this Court in WPMP.No.59193/2015 in WP No38945/2015 that the police authorities would be mindful of the duties required to be discharged by the petitioner as a Member of Parliament.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 12.01.2016
Dsr