

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.11267 of 2016

ORDER:

The petitioner, who is accused No.3 in Crime No.152 of 2016 of Rajahmundry Urban Police Station filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in the above crime, registered for the offences punishable under Sections 8 (a), (c) r/w.20 (b) (ii) (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

At the time when the matter is taken up for hearing, it is brought to the notice of the Court that earlier the petitioner filed two Criminal Petitions one after another vide CrI.P.Nos.7389 of 2016 and 9835 of 2016, which were dismissed by this Court vide orders dated 02.06.2016 and 15.07.2016 respectively. Thereafter, the present application is again 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 bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

12.08.2016

sur

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