

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.1302 of 2017

ORDER:

The petitioner, who is A.7, in Crime No.124 of 2015 of Tada Police Station, Sullurpet, SPSR District, filed the present application under Sections 437 and 439 Cr.P.C. seeking bail in the above crime, registered for the offences punishable under Sections 395 IPC. He is in judicial custody since 14.06.2016.

2. The petitioner allegedly committed the above offence and he was remanded to judicial custody after his arrest. Thereafter, he moved several applications before the Sessions Judge and before this Court for grant bail. Even after filing of charge sheet i.e., on 14.10.2016, the petitioner filed two petitions i.e., CrI.P.Nos.14859 and 14868 of 2016 for grant of bail and this Court concluded that the petitioner involved in other crimes at Thiruvottiyur in Tamil Naidu State and dismissed both the petitions.

3. The petitioner renewed his request again by filing the present application without any changed circumstances, except passing days after dismissal of the earlier bail applications.

4. Learned counsel for the petitioner contended that detaining the petitioner before commencement of trial would cause prejudice to him and it would affect the substantial right of liberty guaranteed under Article 21 of the Constitution of India.

5. No doubt before trial, detention would cause prejudice, but such liberty can be curtailed by due process of law. Therefore, the arrest of the petitioner and detaining him in judicial custody would not infringe the right of liberty guaranteed under the Constitution of

India. The principle laid down by various Courts is that the petitioner can renew his request after dismissal of the earlier bail applications, if there are any changed circumstances. But on the same grounds and circumstances the Court cannot grant bail to the petitioner. Therefore, it is incumbent upon the petitioner to show some changed circumstances, which entitled him to claim the bail.

6. In **State of Tamil Nadu v. S.A. Raja**¹, where the Apex Court held in paragraphs 8 & 9 when a learned Single Judge of the same Court had denied bail to the respondent for certain reasons and that order was unsuccessfully challenged before the appellate Forum, without there being any major change of circumstances, another fresh application should not have been dealt with within a short span of time unless there were valid grounds giving rise to a tenable case for bail. Of course, the principles of *res judicata* are not applicable to bail applications, but the repeated filing of the bail applications without there being any change of circumstances would lead to bad precedents.

In view of law declared by the Apex Court referred supra, renewing the request of the petitioner after dismissal of two applications by this Court, without there being any changed circumstances, the Court cannot grant bail to the petitioner. Therefore, on this ground alone, without advertting to the merits of the case, I find that the petition is devoid of merit and is liable to be dismissed.

7. In the result, the Criminal Petition is dismissed. However, the concerned Presiding Officer is directed to decide the matter, in

¹ (2005) 8 Supreme Court Cases 380

accordance with law, at the earliest, but not later than six (06) months from the date of receipt of a copy of this order.

FEBRUARY 23, 2017
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M.SATYANARAYANA MURTHY, J



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Date: 23.02.2017

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