

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3725 OF 2017

ORDER:

The present petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner – accused No.3 in Crime No.215 of 2016 of Alipiri Police Station, Tirupathi Urban, Chittoor District, requesting to grant anticipatory bail.

Heard Sri M.Raj Kumar, learned counsel for the petitioner – accused No.3, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

The petitioner, who is arraigned as accused No.3 in the aforesaid crime, alleged to have committed the offences punishable under Section 370 (A) (2) of the Indian Penal Code and Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act.

Learned counsel for the petitioner, of course, would submit that all other accused were enlarged on bail and only the present petitioner is left out and he is owner of the premises. He would fairly submit that earlier, in Criminal Petition No.417 of 2017, this Court rejected the petitioner's request for grant of anticipatory bail.

Learned Additional Public Prosecutor for the State of Andhra Pradesh would resist the request of the petitioner.

In the earlier order, dated 27.01.2017, passed in Criminal Petition No.417 of 2017, this Court observed thus:

“The offence committed by the petitioner by letting out rooms in Jai Matha Residency, Tirumala would clearly fall within the ambit of Section 370 (2) of I.P.C. Therefore, I find that the petitioner deserves no sympathy either because of his age or the alleged letting out rooms in the lodge as the offence allegedly committed by the petitioner is against the society at large and it is an immoral act.”

The aforesaid observation would come in the way of granting anticipatory bail to the petitioner even at this stage and the only direction which can be given to the petitioner is to surrender himself before the concerned court seeking a regular bail.

With the above direction, the Criminal Petition is dismissed.

Miscellaneous applications, if any pending in this criminal petition, stand closed.

A. SHANKAR NARAYANA, J

July 05, 2017
v v