

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.2987 OF 2018

ORDER:

This petition is filed under Section 438 of Criminal Procedure Code (for short "Cr.P.C.") by accused No.5, apprehending her arrest, in Crime No.38 of 2018 on the file of Challapalli Police Station, Krishna District, registered for the offences punishable under Sections 403, 405, 408 and 409 of Indian Penal Code (for short "I.P.C."), to direct the Station House Officer, Challapalli Police Station to release her on bail in the event of her arrest in connection with the above crime.

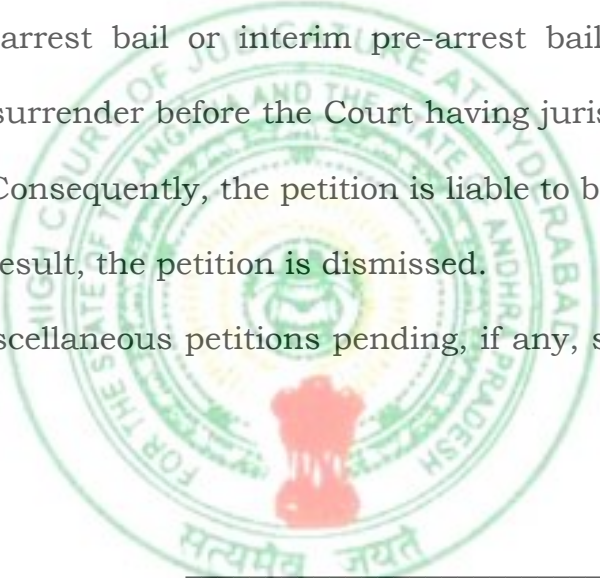
The petitioner already filed CrI.P.No.1781 of 2018 and the same was disposed of by this Court by order dated 26.02.2018 giving liberty to the petitioner to approach the concerned Court having jurisdiction and seek regular bail. The order had become final and the present petition is filed for the same relief under Section 438 of Cr.P.C. on the ground that the petitioner sustained fracture to her ankle and not in a position to move from bed to surrender before the Court and seek regular bail, hence sought for interim anticipatory bail for a period of one month so as to enable the petitioner to surrender before the Court.

The basis for claiming relief is that the petitioner sustained fracture to ankle and not in a position to surrender before the Court as directed by this Court in CrI.P.No.1781 of 2018 by order dated 26.02.2018. The direction given by this Court is to surrender before the Court after dismissal of the application without fixing any date. On 02.03.2018 the petitioner allegedly sustained fracture, thereby not in a position to surrender before the Court.

There is '5' days gap between the order passed by this Court and sustaining fracture by the petitioner. Though sustaining injury substantiated by the documentary proof i.e. medical certificate issued by Dr.T.K.Ramesh, Civil Assistant Surgeon, Gandhi Hospital, which disclosed that the petitioner sustained injury to the right ankle point due to slip at home and she was advised to take complete bed rest, but the x-ray and case sheet are not produced before this Court. However, when this Court declined to grant pre-arrest bail to the petitioner on earlier occasion, this Court cannot grant interim pre-arrest bail. Hence, I find no ground to grant pre-arrest bail or interim pre-arrest bail to enable the petitioner to surrender before the Court having jurisdiction to seek regular bail. Consequently, the petition is liable to be dismissed.

In the result, the petition is dismissed.

The miscellaneous petitions pending, if any, shall also stand closed.



JUSTICE M. SATYANARAYANA MURTHY

20.03.2018
Ksp