

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
CRIMINAL PETITION Nos.3246, 3285 and 3320 of 2018

COMMON ORDER:

These three Criminal Petitions are filed, under Section 438 Cr.P.C, by petitioners – accused Nos.2 and 4 seeking anticipatory bail apprehending arrest in connection with Crime Nos.1, 3 and 6 of ACB Karimnagar Range Police Station, Karimnagar, registered for the offences punishable under Sections 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988 and Sections 506 and 120(b) IPC.

It is the contention of the petitioners that petitioners are in judicial custody in connection with other crimes registered against them and are not entitled to claim pre-arrest bail and placed reliance on **Tupakula Appa Rao v. State of A.P.**¹, wherein this Court made it clear that all the cases registered against the petitioner pertain to the same police station and the fact that his arrest could have been shown in other cases also simultaneously but not shown the facts warrant a conclusion that he is deemed to have been in custody in respect of other crimes also although formal arrest is not shown in the other cases also. However, it is needless to say whether bail can be granted or not, depends upon the facts of each case and would be left to the discretion of the Court to exercise the same on merits.

¹ 2002(1) ALD (CrL.) 67 (AP)

In view of the law declared by this Court in **Tupakula Appa Rao**¹ when petitioners are in judicial custody in other crimes, they are deemed to be in judicial custody in the present cases also and are entitled to file regular bail application, and the present applications, under Section 438 Cr.P.C, are not maintainable.

The Criminal Petitions are, accordingly, dismissed leaving it open to file appropriate applications under Sections 437 and 439 Cr.P.C.

Miscellaneous petitions pending, if any, shall stand dismissed.

M.SATYANARAYANA MURTHY,J

Date:28.03.2018
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