

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7084 of 2018

ORDER:

This is an application filed by the petitioner-Banoji Rao in crime No.6 of 2015 of Madanapalli II Town Police Station, Chittoor District, registered for the offences punishable under Sections 406 & 420 r/w 34 IPC to grant anticipatory bail in the event of his arrest and to pass such other orders. It was filed on 06.07.2018 before this Court after notice to the learned Public Prosecutor. The crime pending is with Madanapalli II Town Police Station, including as on the date of filing of the present application if any.

While narrating the factual matrix in the present bail application running in 20 Paras with Paras (a)(b)(c) of Para 20 it is mentioned anticipatory bail was granted to him on 16.03.2018 in CrI.P.No.2394 of 2018 with a direction to surrender before the SHO, Madanapalli PS, within 15 days therefrom to release on such surrender by executing self-bond for a sum of Rs.40,000/- with two sureties for the like sum each before the SHO, Madanapalli. It is averred that II Town SHO has no authority as IO that was taken out by CID, AP and thereby he did not surrender and filed an application in CrI.P.M.P.No.2 of 2018 i.e., IA.No.2 of 2018 in that CrI.P.No.2394 of 2018 and it was allowed by modifying in directing to surrender before the CID, AP, Regional Office, Tirupati, instead before the SHO, Madanapalli, within 15 days

therefrom. He now says Madanapalli, Nellore and Kadapa there are crimes investigating by the Regional Office of Tirupati and the anticipatory bail applications of Nellore & Kadapa are pending before this High Court and if he comply with the order in CrI.P.No.2394 of 2018 modified by IA.No.2 of 2018 supra dated 10.04.2018 he will be arrested in the crimes of Nellore and Kadapa to make anticipatory bail applications infructuous, hence he was unable to comply and thereby now seeking to grant anticipatory bail.

It is not a fact not known to him either while obtaining the anticipatory bail covered by the original order referred supra on 16.03.2018 or in obtaining the modified order dated 10.04.2018 in IA.No.2 of 2018 in CrI.P.No.2394 of 2018. He should have been asked to take up the pending anticipatory bail applications also with the modification petition, but he asked for disposal of the modification petition and once that modification petition is disposed by fixing the time and not even filed for further extension and once the option provided is abused under the guise of he could be arrested in other crimes that cannot be a cause to avoid to submit to the order of the Court.

Hence, there are no grounds to consider the present application for anticipatory bail afresh.

Accordingly and in the result, this Criminal Petition is dismissed, however it is not bar to surrender and move for regular bail to consider the factum of earlier anticipatory bail could not be availed.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 31.07.2018
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