

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10777 OF 2018

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner-accused in Crime No.104 of 2018 of Kakatiya University Police Station, Warangal Commissionerate, registered for the offences punishable under Sections 417 and 376 I.P.C. This is the third bail application.

2. Heard the learned counsel for the petitioner-accused and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. Learned counsel for the petitioner-accused would contend that the petitioner is innocent person; no ingredients constituting the offence punishable under Section 376 I.P.C. are made out; and ultimately, prayed to allow the bail application.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner-accused under Section 438 Cr.P.C. and also brought to the notice of this Court with regard to the dismissal of the earlier bail applications filed by the petitioner before this Court and the result of those bail application.

5. Learned counsel for the petitioner has not brought to the notice of this Court the filing of the earlier two bail applications by the petitioner. When the learned Additional Public Prosecutor brought to the notice of this Court with regard to the dismissal of the earlier two bail applications, learned counsel for the petitioner has conceded that the bail application in CrI.P. No.6182 of 2018 filed by the petitioner was withdrawn on 12.07.2018. Thereafter, the learned Additional Public Prosecutor has

given the details of the second bail application in CrI.P. No.9804 of 2018 and the order passed therein, i.e., dismissal order dated 24.09.2018. At this juncture, the learned counsel for the petitioner intends to withdraw this bail application. It is not proper to allow the request of the learned counsel for the petitioner-accused to withdraw the bail application. The allegations leveled against the petitioner-accused are grave. On 24.09.2018, this Court was pleased to pass a detailed order in CrI.P. No.9804 of 2018 dismissing the bail application of the petitioner. There are no changed circumstances. There is no merit in this bail application and it is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Date: 22-10-2018

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Dr. SHAMEEM AKTHER, J

