



Crl.O.P.No.21083 of 2022

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A.D.JAGADISH CHANDIRA.J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 342, 387, 392, 506(ii) of IPC in Crime No.609 of 2019, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused approached the defacto complainant under the guise of purchasing a car, asked him to come to the house of A1 and at knife point intimidated and threatened the defacto complainant and made him call the owner of the car and made the owner of the car to hand over the car to A1 and also got the documents signed in the transfer from and obtained signatures from the defacto complainant. They have also snatched the defacto complainant's ATM card, debit card, his signed cheque leaves and R.C.Book.



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3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since he happens to be friend of the main accused. He would submit that it is for the reason that the respondents have not taken any steps to arrest the petitioner. He would further submit that A2 and A3 in this case have been already granted anticipatory bail by this Court on 12.05.2022. Thereby, he seeks for anticipatory bail

4. Per contra, learned Government Advocate (crl.side) appearing for the respondent would submit that this is the sixth application for anticipatory bail. This Court had already finding that custodial interrogation of the petitioner is required and further finding that there is no change of circumstances, had dismissed the earlier application by order dated 10.02.2022. He would further submit that the petitioner is a member of a notorious gang. This Court taking into consideration of the antecedents of the petitioner had dismissed the earlier application. In so far as A2 and A3 are concerned, this Court finding that there are no



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previous cases pending against them, had granted anticipatory bail. He would reiterate that as far as the petitioner is concerned, there are several cases pending against him. Thereby, he vehemently opposed to grant Anticipatory Bail.

5. This Court by order dated 10.02.2022 had dismissed the earlier application of the petitioner in Crl.O.P.No.25993 of 2021 and the relevant paragraphs of the dismissal order are extracted here under:

“4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that this is the 6th application for seeking anticipatory bail. The petitioner is a member of notorious gang. He along with other accused calculated and approached the defacto complainant and asked him come to the house of A1 and intimidated the defacto complainant and got his signature in several papers as if the amount was paid to him and they have also obtained signature of the car owner in the transfer forms and they have also



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snatched the ATM card, debit card, signed cheque leaves and R.C book from the defacto complainant. He would further submit that A1 was arrested and he is still in custody and the earlier application for anticipatory bail filed by the petitioner was dismissed as withdrawn very recently on 22.09.2020 in Crl.O.P.No.1413 of 2020 . The earlier application for anticipatory bail was dismissed on 28.10.2020 in Crl.O.P.No.16560 of 2020.

*5. In the case of **G.R.Ananda babu vs. State of Tamil Nadu and another** reported in **2021 SCC Online SC 176**, the Hon'ble Supreme Court had held that the successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused is absconding and not co-operating with the investigation. The Specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same judge.*



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6. In the present case, the other accused in the rank of A2 to A4 are still absconding and they are not cooperating with the investigation. In the light of the above direction, this Court is not inclined to grant anticipatory bail to the petitioner.”

6. This Court finds no change of circumstances, accordingly, this Criminal Original Petition is dismissed.

07.09.2022

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