

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 12463/2025

ORDER:

Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioners/Accused Nos.1 and 3 for grant pre-arrest bail in connection with Crime No.159 of 2025 of Narsipatnam Police Station, Anakapalli District, registered for the alleged offences punishable under Sections 109(1) and 118 (1) read with 3(5) of Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

2. Sri Singuru Mohan Rao, learned counsel representing Sri Singuru Sai Krishna, learned counsel for the petitioners, submits that the petitioners have not committed any offence and have been falsely implicated in this case. They are the sole breadwinners of their families and are ready to abide by any conditions that may be imposed by this Court. If they are enlarged on pre-arrest bail, they would scrupulously comply with all conditions. It is submitted that the investigation in this case is almost completed and no specific overt acts are attributed to the petitioners. The de-facto complainant himself is a rowdy-sheeter involved in 16 cases, and due to the animosity between the petitioners and the de facto complainant, they have been falsely implicated. The petitioners have been away from their families for the past five months. There is a substantial change in circumstances, and Accused Nos. 4 to 6 have already been released on bail. Hence, it is urged that pre-arrest bail be granted to the petitioners. The learned counsel for the petitioners placed reliance on the judgments of the Rajasthan High Court in **Ganesh Raj v.**

State of Rajasthan and the Allahabad High Court in **Abdul Hameed v. State of Uttar Pradesh**.

3. *Per contra*, Ms. P. Akhila Naidu, learned Assistant Public Prosecutor, opposed to grant pre-arrest bail to the petitioners on the ground that specific overt acts are attributed to them, and there are eye-witnesses to the alleged occurrence. Accused No.1 is alleged to have beaten the victim with an iron rod, and Accused No.3 is alleged to have caused injuries with a knife. There are two adverse antecedents reported against Accused No.1 and three adverse antecedents reported against Accused No.3. It is further submitted that the investigation is at a crucial stage. The petitioners have filed the present pre-arrest bail application for the second time. On the earlier occasion, this Court dismissed their pre-arrest bail application. The practice of filing successive pre-arrest bail applications has been deprecated by the Hon'ble Apex Court in **G.R. Ananda Babu v. State of Tamil Nadu**. Hence, it is urged that the present petition be dismissed.

4. Heard learned counsel for the petitioners and the learned Assistant Public Prosecutor. Perused the record.

5. As seen from the record, it is relevant to mention that this Court, on 11.11.2025 in CrI.P.No.11103 of 2025 filed through learned counsel Sri Allu Hari Narayana, dismissed the petition seeking pre-arrest bail, as the petitioners sought permission to withdraw the criminal petition. It is also pertinent to note that through another counsel, Sri Akula Srikrishna Sai Bhargav, the petitioners had earlier filed another petition in CrI.P.No.8957 of

2025 and on 12.09.2025, which was dismissed on the ground that specific overt acts were attributed to the petitioners. L.W.1 suffered injuries at the hands of the accused, and L.Ws. 2 and 3 are eye-witnesses to the incident. The investigation was then at a progressive stage. The present petition is the third pre-arrest bail application filed by the petitioners through a different counsel. No doubt, nearly 16 cases are registered against the de-facto complainant, and he is a rowdy-sheeter. However, no document has been produced to establish the alleged animosity between the petitioners and the de-facto complainant. The contention that the petitioners have been away from their families for the past five months is not a legally valid ground. Further, the fact that Accused Nos. 4 to 6 were released on bail does not constitute a substantial change in circumstances. There are specific overt acts attributed to the accused: Accused No. 1 is alleged to have beaten the victim with an iron rod, and Accused No. 3 is alleged to have caused injuries with a knife.

6. The High Court of Rajasthan in **Ganesh Raj v. State of Rajasthan**¹, a decision relied on by the learned counsel for the petitioners, while referring the Apex Court judgment in **Kalyan Chandra Sarkar v. Rajesh Ranjan alias Pappu Yadav**², at para No.24 it was held that filing of successive bail applications is not bared the principles of res-judicata and such analogous principles are not applicable in criminal proceedings. In another decision relied on by the learned counsel for the petitioners in **Abdul Hameed v. State of**

¹ 2005 ALL MR (CrI) Journal 200

² 2025(1) (SC) 640

U.P³ at para No.16 the High Court of Allahabad by relying on **Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav** and observed that subsequent bail applications are maintainable where there is a material change in the fact situation or in law which requires the earlier view to be interfered with, or where the earlier finding has become obsolete. In this regard, it is relevant to refer the judgment of the Hon'ble Apex Court in **Kayan Chandar Sarkar** *supra* at para No.19 it is held as under:

"19...The principles of res judicata and such analogous principles although are not applicable in a criminal proceedings, still the courts are bound by the doctrine of judicial discipline having regard to the hierarchical system prevailing in our country. The findings of a higher court or a coordinate Bench must receive serious consideration at the hands of the court entertaining a bail application at a later stage when the same had been rejected earlier. In such an event, the courts must give due weight to the grounds which weighed with the former or higher court in rejecting the bail application. Ordinarily, the issues which had been canvassed earlier would not be permitted to be reargued on the same grounds, as the same would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting.

7. A learned single Judge of this Court in **Gajula Siddhartha v. State of Andhra Pradesh**⁴ at para No.23 held by extracting para Nos.4 and 6 of the judgment of the Hon'ble Supreme Court in **G.R. Ananda Babu** (1 *supra*) dismissed the subsequent application for grant of pre-arrest bail.

8. The High Court of **Amhedabad in Anant v. State of Gujarat**⁵ at para No.7.1 held as under:

"7.1...Despite the withdrawal of earlier bail application, the application, the applicant has filed this subsequent anticipatory bail application without any change in the circumstances of the case as this Court was not inclined to grant any relief after arguing the same. In this regard also, reference needs to be made to the Judgment of the Hon'ble Supreme Court in the case of G.R.Ananda babu v. State of Tamil Nadu reported in MANU/SC/0139/2021 and in the case of Md. Shamim Khan v. State of Jharkand(Leave to Appeal (Crl.)No.9449/2021, the Hon'ble Supreme Court deprecated such practice of

³ on 03.07.2025 in 2025 AHC 102975

⁴ MANU/AP/1879/2025

⁵ MANU/GJ/0624/2025

filing second application under Section 438 of the Code/482 of the BNSS after the first being withdrawn/rejected.”

9. In **Md. Shamim Khan v. State of Jharkand**⁶, at paragraphs 2 and 3, held that the petitioner failed to demonstrate any change in circumstances to justify a second application under Section 438 of ‘the Cr.P.C.’ after the first was rejected. The Court deprecated the practice of filing a second anticipatory bail application without any change of circumstances.

10. The Hon’ble Apex Court in **G.R. Ananda Babu v. State of Tamil Nadu**⁷ at para Nos.4 and 6 held as under:

“4. On this occasion, the learned Judge recorded the following reasons for acceding to the request for grant of anticipatory bail to Respondent 2. The same read thus:

“(i) The date of occurrence is 11-11-2019.

(ii) Other 13 accused were arrested and surrendered, their confessional statements were recorded and they were released on bail.

(iii) 127 private witnesses were examined and their statements were recorded.

(iv) 12 months is over from the date of occurrence.

(v) Six months have passed from the date of dismissal of earlier anticipatory bail application.

(vi) The petitioner is aged 69 years alleged to be suffering from age-related ailments and he is willing to cooperate with the investigation.”

6...As a matter of fact, 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 (Respondent 2) is absconding and not cooperating 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.”

11. Indeed, as seen from the record, this Court on an earlier occasion dismissed the application seeking pre-arrest bail by assigning cogent reasons. The case diary reveals that the petitioners have been absconding from the process of law and could not be apprehended despite the best efforts of the

⁶ Leave to Appeal (Crl.) No.9449 of 2021

⁷ (2021) 16 SCC 725

investigating officer. It is also noted that they have not cooperated with the investigation. A specious plea of change in circumstances cannot be invoked for filing a subsequent bail application once the earlier application has been rejected by this Court through a speaking order, and that too by me on the earlier occasion.

12. Therefore, request for grant of pre-arrest bail to the petitioners do not appear to be convincing or reasonable. Furthermore, importantly grant of pre-arrest bail to the petitioners, against whom specific overt acts grave in nature are alleged, is neither a license for commission of serious offence nor a shield or protection for having committed offences, as per the decisions of the Hon'ble Apex Court in ***Gurbaksh Singh Sibbia v. State of Punjab***⁸ and ***Sushila Aggarwal v. State (NCT of Delhi)***⁹. There are specific overt acts against the petitioners. There are no merits in this case. Ergo, the Petitioners/Accused Nos.1 and 3 are disentitled for grant of pre-arrest bail.

13. After dictating the above order, the learned Assistant Public Prosecutor submitted that the petitioners were arrested on 12.12.2025. Hence, the Criminal Petition is dismissed as infructuous

14. Accordingly, the Criminal Petition is dismissed as infructuous.

DR. Y. LAKSHMANA RAO, J

Date: 12.12.2025
KMS

⁸ (1980) 2 SCC 565

⁹ (2020) 5 SCC 1

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Dated 12.12.2025

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