

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.5167 OF 2015

ORDER:

This criminal petition under Section 438 of the Code of Criminal Procedure is filed by the petitioner/A.5 seeking grant of anticipatory bail in connection with crime No.43 of 2015 on the file of the P.S., Cyber Crimes, CCS, D.D., Hyderabad, registered for the offences under Section 12(B) of the Pass Port Act, Section 66-A of the Income Tax Act, Sections 419, 420, 468, 471 and 120-B of IPC and Section 19 of the Transplantation of Human Organs Act.

Heard and perused the records.

As per the confession statement of A.1, the petitioner/A.5 and A.1 are living together, though not married. The allegation against A.1 is that he was persuading the persons concerned, luring the youngsters to sell their kidneys for huge money to the needy patients and as such, committed the offence of dealing in illegal trade of transplantation of human organs (kidneys). A.1 was arrested and was released on bail.

In the counter affidavit filed by the respondent/police, it is stated that A.1 confessed regarding the involvement of petitioner in the offence.

It is further stated that A.1 informed the active role played by the petitioner/A.5.

In this context, learned Senior counsel appearing on behalf of the petitioner has placed the confession statement of A.1 before this Court. He submits that the confession statement of A.1 does not disclose any of the involvement of the petitioner/A.5 in the alleged offences. He further submits that whatever stated in the counter affidavit does not find place in the confession statement, and as such, prays this Court to grant anticipatory bail to the petitioner/A.5.

On perusing the confession statement of A.1, this Court is of the

view that as rightly pointed out by the learned Senior counsel for the petitioner/A.5, the averments in the counter affidavit with regard to involvement of the petitioner/A.5 as allegedly stated in the confession statement of A.1, are not stated in the confession statement. Though the petitioner/A.5 is living with A.1, the petitioner/A.5 cannot be attributed with the knowledge of the activities of A.1. This Court is of the view that grant of anticipatory bail would not cause any prejudice to the respondent/police for further investigation, and hence, the petitioner/A.5 being a lady, this Court is inclined to grant anticipatory bail.

In the circumstances, the petitioner/A.5 is directed to surrender before the Magistrate concerned within a period of fifteen days from today and on such surrender, she shall be enlarged on bail on her executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties pertaining to the State of Telangana for the like sum each to the satisfaction of the Magistrate concerned. Further, the petitioner/A.5 is directed to report before the Station House Officer concerned as and when required.

The Criminal Petition is accordingly allowed.

JUSTICE RAJA ELANGO

22.06.2015
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