

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2275 of 2016

ORDER:

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The petitioner, who is A21, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in Crime No.1 of 2016 of Nalgonda I Town Police Station, Nalgonda District, registered for the offences punishable under Sections 370 (1) (2) & (3), 420 read with Section 120 (b) of IPC, Sections 18 and 19 of A.P. Transplantation of Human Organ Act, 1995 and Section 8 of Criminal Law (Amendment) Act-2013.

The case of the prosecution is that one person by name Suresh, aged about 20 years, R/o. H.No.5-58/7, Krishnaveni Colony, Nalgonda, indulged himself in sale of human kidneys to various recipients in Colombo, Sri Lanka. Upon receiving the said information, the SI of Police made suitable GD entry, informed the same to the Inspector of Police, Nalgonda I Town Police Station, and at 03.30 p.m., he along with his staff reached the said premises. One of the inmates in the house was identified as Kasparaju Suresh and on enquiry he stated that in December, 2014, he sold his left kidney to a patient at a hospital in Colombo, Sri Lanka for Rs.5 lakhs and showed a surgical scar on his left side abdomen. He also stated about receipt of money. He also informed that the kingpins beside the entire operation are one Amrish Pratap of Bhopal and Suresh Prajapathi of Ahmedabad. He further stated that a commission of Rs.50,000/- was paid for organization of sale of human kidneys. Basing on these allegations, the present case came to be registered against the petitioner and others.

Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged and a false case is foisted. The learned public prosecutor opposed the same.

A perusal of the remand case dairy clearly reveals the role of the petitioner in the sale of kidney which is as under:

1. "In the month of May, 2015 A22 contacted A21 Nooka Raju and advised to donate kidney through him and gain Rs.5 lakhs from him. A21 obtained a passport in 20 days and on 24.06.2015 he went to Ahmedabad by bus and reached on 25.06.2015.

2. On 25.06.2015 A21 Nooka Raju was kept in apartment at Vandemataram bearing No.502 and A22 Dhawal met him and there were other agents by name Madhu and also A25 Dilip Chouhan and other donors by name Baswaraju of Karnataka, Naveen Kumar of GUntur in the same apartment. On 26.06.2015, A25 Dilip CDhouhan arranged medical tests for him and also donor Baswaraju in Sanya Diagnostic Centre. On the same day, A21 Nooka Raju was introduced to A3 Suresh Prajapathi in Ahmedabad and A21 stayed till 3.7.2015.
3.
4. On 09.12.2015 A3 sent a passport to A22 Dhawal and same was sent on whatsapp to A21 Nookaraju and it belonged to a paid donor by name Venkata Murali Krishna of Narsaraopeta, Guntur District, A.P.State. A21 Nookaraju also contacted him and influenced him to sell his kidney for Rs. 5 lakhs and gain like he had gained by selling his kidney."

From the above allegations, it cannot be said that the petitioner is innocent of the offences alleged against him.

Though learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged, the events which are reflected in the case dairy clearly indicate his role in the commission of the offences alleged.

Having regard to the said circumstances and as the investigation is still pending, I am not inclined to grant bail to the petitioner, at this stage, as there is every likelihood of he tampering with the witnesses and the material.

Accordingly, the criminal petition is dismissed. At this stage, the learned counsel for the petitioner submits that since last 15 days the petitioner is admitted in a private hospital at Nalgonda and no proper treatment is being given to him. If that is true, the investigating agency shall take suitable steps and see that he is provided with appropriate treatment either in a good hospital at Nalgonda or at NIMS Hospital, Hyderabad.

JUSTICE C. PRAVEEN KUMAR

01.03.2016

vhb

