

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

MONDAY THE SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 14859 OF 2016
AND
CRIMINAL PETITION NO. 14868 OF 2016

Between: CRIMINAL PETITION No. 14859 OF 2016

Babu @ Pulikulam Babu ... Petitioner/A6

V/s.

The State of Andhra Pradesh
Represented by its Public Prosecutor [AP]
High Court of Judicature for the State
Of Telangana & Andhra Pradesh,
Hyderabad. ... Respondent
Through the Station House Officer,
Tada Police Station,
SPSR Nellore district.

Between: CRIMINAL PETITION NO. 14868 OF 2016

Babu @ Pulikulam Babu ... Petitioner/A7

V/s.

The State of Andhra Pradesh
Represented by its Public Prosecutor [AP]
High Court of Judicature for the State
Of Telangana & Andhra Pradesh,
Hyderabad. ... Respondent
Through the Station House Officer,
Tada Police Station,
SPSR Nellore district

Counsel for the Petitioner: Sri P. Venugopal Rao

Counsel for the Respondent: Public Prosecutor [AP]

The court made the following: [common order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 14859 OF 2016
AND
CRIMINAL PETITION NO. 14868 OF 2016

COMMON ORDER :

These Criminal Petitions are filed under section 437 and 439 of Cr.P.C., by the petitioner/A6 in Crime No. 236 of 2014 of Tada Police Station, SPSR Nellore district, registered for the offences under section 397 and 363 of IPC and the petitioner/A7 in Crime No. 124 of 2015 of Tada Police Station, SPSR Nellore district, registered for the offence under section 395 of IPC.

2. Learned counsel appearing on behalf on behalf of the petitioner/A6 in Criminal Petition No. 14859 of 2016 submits that Section 25 of the Arms Act was deleted finding no offence against the petitioner/A6 in Crime No.236 of 2014 of Tada Police Station, however, charge sheet under section 397 and 363 IPC was filed.

3. Learned counsel appearing on behalf of the petitioner/A7 submits that in both these cases recovery of ganja effected from co-accused, investigation already carried out, charge sheet has been filed and nothing is

recovered from the petitioner/A6 and petitioner/A7. He submits that the petitioner/A6 and petitioner/A7 is in judicial custody since 18/7/2016.

4. The case against the petitioner/A6 in Crime No. 236 of 2014 of Tada Police Station is that on 25/11/2014 at about 03:30 a.m., some eight unknown offenders have waylaid the lorry bearing No. AP-03 TC-2349 coming from Kolkata with load of iron pipes by stopping the Innova car opposite to the lorry and when the driver of the lorry stopped it A-1 to A-4 alleged to have boarded into the cabin of the lorry and threatened the driver and cleaner by showing knives and gun and later confined them in a room. Thereafter, the accused had beat them and left them between Satyaveedu and Uthkota by informing that their lorry is kept one kilometre away. However, when the driver and co-driver searched for the lorry, they did not found, as such they went to police station and lodged report in the aforesaid police station.

5. During the course of investigation in the present case, the police arrested A-1 to A-5 on 15/6/2015. On interrogation, they confessed about the commission of offence along with other accused and named the petitioner. Thus, there is no iota of truth in the allegations mentioned in

the report and that all of them are invented for the purpose of implicating the petitioner/A6 in false case.

6. The case against the petitioner/A7 in Crime No. 124 of 2015 of Tada Police Station is that on 10/6/2015 at about 09:00 p.m., on National Highway No.16, near Reliance Petrol Filling Station, Chenigunta, SC colony, Tada Mandal, some unknown persons, who travelled in Innova Car bearing No. TN-09-AU-8410, waylaid the lorry bearing No. HR-55-Q-2472 loaded with old scrap of aluminium, copper metals, which is worth about 60,19,500/- by parking their Innova car in front of the lorry. When the driver of the lorry stopped A-1 to A-3 to get into the lorry, threatened the lorry driver, who is the defacto complainant and his younger brother by showing a knife and made them to sit in the lorry. After crossing Sunnabpubatti toll gate thrown the driver and cleaner out of the lorry and taken away the load while the car went ahead of the lorry. Thereafter, basing on the report lodged by the driver of the lorry Crime No. 124 of 2015 was registered in the aforesaid police station.

7. During the course of investigation, the police arrested A-1 to A-6 on 19/6/2015. In this case also learned counsel submitted that during the investigation all the material seized from co-accused, however, nothing was

recovered from the petitioner/A7. He is in judicial custody since 18/7/2016.

There is no iota of truth in the allegations mentioned in the report except the confessional statement. Thus, he is entitled for bail.

8. On the other hand, learned Additional Public Prosecutor opposed both the criminal petitions and submitted that the petitioner and the petitioner/A7 is master mind behind in both the crimes and when he was arrested during investigation he confessed the other crimes committed in Chennai, State of Tamil Nadu. Though charge sheet is filed and the petitioner is habitual offender and if he is released on bail, he may commit similar offence after releasing from jail.

9. During the investigation, the petitioner stated in confessional statement that he is doing business of coal purchase and sale in the name of Goldmine Enterprises. Before ten years, for mixing sand to reduce weight while loading coal in the lorry, sent to prison. That case was dismissed.

10. He further disclosed after that 1 ½ years before, for stealing thread bundle from a lorry about half of it, he along with driver and the cleaner were sent to prison. For that case no summon was received yet.

11. He also disclosed that Phuzal one Nakkeran was doing real estate business. He is known to him. He looks like a rowdy, many cases were

pending against him. The petitioner asked him, if any job is there, he is interested to do the same. Since he was doing loading and unloading of coal at Port many of the drivers were known to him. He heard that costly Pharmaceutical medicines from Malladi Drugs Phramaceuticals of Ranipet is exported and from that properties are stolen. By that since then he learnt about the medicine prepared by that company. By that company, Ephedrine Chloride the raw material for preparing drugs is often brought to harbour for export through the lorry of Blue Whale Lodgistics container. He learnt it from the drivers, while he load coal at the harbour. He know the goods loaded from Malladi Drugs and Pharmaceuticals of Ranipet are medicine related goods. Further Ephedrine Chloride, the raw material of medicine could be changed as Methabittamine which is a narcotic drug that could be sold to higher price.

12. Accordingly, the petitioner thought that he could earn a lot of money. As per the plan, he decided to use the godown at Vadaperumbakkam, which he took on rent from Mr.Makesh by paying Rs.1,00,000/- one year before. He informed Mr.Prakash, who works at Flower Bazar Police Station, who is long known to him, that costly medicinal goods are sent to harbour from Mallari Drugs Pharmaceuticals of

Ranipet, if that lorry is looted, by that, Methabitamin drug could be made, and by one time, they could become wealthy. For that Mr.Prakash also said, he would help the petitioner and said do not mention about him in any event. The petitioner agreed thereto. Accordingly, the petitioner asked Nakeran, the person known to him, who is of Puzhal, come in contact and asked him to come to his offence. Accordingly he instructed that load comes from Ranipet to harbour, in that chemicals meant for production of medicines is there. That lorry has to be abducted, for which the said person agreed. The petitioner also asked him to arrange men from outside. The said person agreed that he will take care of that work. Accordingly as per the plan given by the petitioner, the aforesaid both crimes were executed by co-accused. They worked on the instructions of the petitioner. Since the petitioner was not with them, however, actively worked from behind. Thus, the petitioner cannot be said that he is a innocent person.

13. As informed by the learned Additional Public Prosecutor that another Crime No. 787 of 2016 of Thiruvottiyur Police Station, Washermenpet district of Tamil Nadu State was registered for the offences punishable under section 419 and 379 of IPC against the petitioner. Thus,

the petitioner is a habitual offender and if he is released on bail, he will certainly commit the same crime again , which is danger to the society.

14. Finding no merit in these criminal petitions are accordingly dismissed.

15. As a sequel, miscellaneous petitions if any pending in these Criminal Petitions shall stand disposed of.



JUSTICE SURESH KUMAR KAIT.

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 14859 OF 2016
AND
CRIMINAL PETITION NO. 14868 OF 2016
[COMMON ORDER]

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