

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.1718 OF 2017

ORDER:

This criminal petition is filed under Sections 437 and 439 of Cr.P.C to enlarge the petitioner/A-1 on bail in S.C.No.70 of 2016, on the file of Special Sessions Judge for Trial of Cases under SC/ST (POA) Act-cum-VII Additional Sessions Judge, Khammam, for the offence punishable under Section 227 of IPC.

2. It is the case of the petitioner that the petitioner was released on parole on health grounds for a period of 30 days on 09.09.2015 and the same was extended upto 25.11.2015 by this Court, but he did not report to the Central Prison, Warangal, on 26.11.2015 to undergo sentence and A-2 harboured A-1 and that the police received a complaint from Jail authorities and the police could apprehend A-1 in the house of A-2 and on completion of investigation, filed a report against A-1 for the offence punishable under Section 227 IPC and against A-2 for the offence punishable under Section 216 IPC.

The present criminal petition is filed on the ground that the petitioner is suffering from a chronic neuro disorder and underwent treatment in Anuradha Neuro Centre, Visakhapatnam and Gandhi Medical Hospital, Secunderabad and thereby, the cause for his failure to report to the jail authorities is justifiable and sought bail. It is also contended that the petitioner was already enlarged on bail by this Court in CrI.M.P.No.2255 of 2016 in CrI.A.No.206 of 2011 by the Division Bench vide order, dated 28.12.2016. Thus, the petitioner was already enlarged on bail in connection with the above crime, but he could not report to the jail

authorities within the specified time even after extension of parole for another one month i.e., 26.11.2015 and remained outside the jail for a period of six months almost.

It is contended by the learned counsel for the petitioner, Sri G. Vasantha Rayudu, that the petitioner is suffering from chronic neuro disorder which prevented him from reporting to jail authorities as directed by the Government, after completion of parole and its extension by this Court and sought bail to the petitioner.

Learned Public Prosecutor for the State of Telangana opposed the petition on the ground that the petition cannot be allowed and if the petitioner is enlarged on bail, it is difficult to secure his presence to face the trial before the Sessions Court and prayed for dismissal of the petition.

Undisputedly, the petitioner was enlarged on bail in CrI.M.P.No.2255 of 2016 in CrI.A.No.206 of 2011, vide order, dated 28.12.2016, in connection with another crime for the offence punishable under the provisions of the SC/ST (POA) Act, but after enlarging the petitioner on parole, it is his duty to report to the jail authorities within the specified time, but he could avoid successfully on the pretext that he was suffering from ill-health i.e., chronic neuro problem, which is supported by a certificate issued by Anuradha Neuro Centre, Visakhapatnam, dated 01.03.2016, and Gandhi Medical Hospital, Secunderabad, dated 12.02.2016 and OPD Registration Card of Gandhi Medical Hospital, Secunderabad, dated 23.06.2016. Even all these documents would show that the petitioner underwent treatment as an out patient and not as an inpatient. When the petitioner is not

suffering from a disorder, which requires treatment as an inpatient, nothing prevented him to report to the jail authorities after completion of the period of parole as extended by this Court, but conveniently avoided his reporting before the jail authorities and enjoyed his life outside the jail authorities for a period of six months conveniently and now filed the present petition as if suffering from a neuro disorder, which requires treatment as an out patient is a passport for him to avoid his reporting. Therefore, such person deserves no sympathy and not entitled to be enlarged on bail at this stage for the offence punishable under Section 227 IPC. Hence, I find no ground to enlarge the petitioner on bail. However, the trial Court is directed to decide the S.C.No.70 of 2016, as expeditiously as possible, but in any event not later than six (6) months from today.

With the above direction, the Criminal Petition is dismissed. Pending miscellaneous petitions in the criminal petition, if any, shall stand closed.

JUSTICE M.SATYANARAYANA MURTHY

Date: 10th March, 2017

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