

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO. 2667 OF 2017

ORDER:

This Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/sole accused on bail in Crime No.59 of 2017 of Nagarampalem Police Station, Guntur District for the offence under Sections 25 and 27 of Arms Act.

The petitioner was found in possession of a knife 27 ¼" in size contravening Section 25 of the Arms Act, it is an offence punishable under Section 27 of the Act. The same was seized under the cover of mediators report and on the strength of mediators report, the above crime was registered against the petitioner.

The main contention of the petitioner is that a rowdy sheet was opened against the son of the petitioner and his wife lodged a complaint that her husband was detained illegally and put to harassment in different ways and the petitioner was implicated falsely in different crimes. The present crime was registered only after lodging the complaint with Human Rights Commission by her daughter-in-law. Therefore, the police to wreak-vengeance against the family of the petitioner, foisted this false case for the offence under Sections 25 and 27 of the Arms Act. It is also contended that the petitioner is suffering from various ailments who is aged 62 years including acid peptic disorder etc. A medical certificate dated 20.03.2017 was issued by the Medical Officer, District Jail, Guntur and produced before this Court along with another certificate issued by London Clinic of Colo Proctology, dated 19.09.2017 to establish that the

petitioner is suffering from various disorders and therefore, prayed to release the petitioner on bail.

Learned Public Prosecutor for the State of Andhra Pradesh contended that the petitioner is also an accused in another crime in Crime No.313 of 2015 for the identical offences besides other offences punishable under Indian Penal Code and settling the disputes taking advantage of his criminal background and therefore, he cannot be enlarged on bail while expressing apprehension that there is possibility of committing identical offences while on bail and prayed to dismiss the petition.

As seen from the material on record, the petitioner was found in possession of a knife of 27 ¼" length and possessing such knife is a clear contravention of Arms Act and the mediators report shows that the said knife was recovered from his possession.

It is the contention of the learned counsel for the petitioner that the petitioner is a strong supporter of YSRCP political party and that his daughter-in-law lodged a complaint with the Human Rights Commission and on account of giving such complaint, he was implicated in the false case.

At this stage, It is difficult to accept the contention of the learned counsel for the petitioner for the reason that there is every possibility of committing offence cannot be rule out. Merely, because a complaint is pending before the Human Rights Commission, it is not a passport to commit such offence and lodging a complaint with the Human Rights Commission at best would establish that the police had a motive to implicate the petitioner and it is also relevant under Section 8 of the Evidence Act. Therefore, at this stage it is difficult to conclude that the petitioner did commit no offence. Further, the petitioner is an accused in

a similar offence in Crime No.313 of 2015 of Nagarampalem Police Station and therefore, there is every possibility of committing similar offence while on bail in the event of enlarging the petitioner on bail.

The other ground urged before this Court is medical ground. According to the certificate issued by the Medical Officer, District Jail, Guntur, the petitioner is suffering from various disorders referred supra. But, curiously the petitioner produced another certificate issued by London Clinic of Colo Proctology dated 19.09.2016, though this petition is filed in the month of April, 2017, that itself is sufficient to conclude that the petitioner approached this Court with unclean hands suppressing real facts. Therefore, I am not inclined to grant bail to this petitioner to avoid involvement in identical crimes in the event of enlarging him on bail. However, the Superintendent, District Jail, Guntur is directed to provide necessary medical assistance to the petitioner in G.G.H. for the ailments referred in the certificate issued by the Medical Officer, District Jail, Guntur.

With the above observations, the criminal petition is dismissed.

Miscellaneous petitions, if any, pending in this petition, shall stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

Date:06.04.2017
ccm

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