

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1323 of 2018

ORDER:

This petition is filed, under Section 438 of the Criminal Procedure Code, seeking grant of anticipatory bail to the petitioner in Cr.No.168 of 2017 on the file of the Station House Officer, Narsaraopet I Town Police Station, Guntur District. The offences alleged are under Sections 198, 420, 46, 468, 470 and 471 of the Indian Penal Code.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the respondent.

3. The case of the prosecution is that the petitioner was recommending to the Tahsildar to issue certificate with regard to the person, who was willing to donate his kidney.

4. The counsel for the petitioner submits that the petitioner submits that the allegation against the petitioner is that he only telephone to the Tahsildar and asked her to issue certificate. But the Public Prosecutor brings all the previous facts also to light, by relying on the statements of several witnesses, recorded during investigation.

5. The Tahsildar, in her statement, states that the petitioner with a malafide intention and knowing that the Aadhaar cards of the persons, who approached him are fake, got the applications processed and got certificates issued. The application of one Mudavath Venkateswarlu Naik was sent by the petitioner to the Tahsildar through the driver, Nagamalleswara Rao and he sought to get it processed. The statement of the donor, Mudavath Venkateswarlu Naik, is also recorded, in which

he states that after taking the documents prepared on computer, he went to the petitioner, who telephoned to the Tahsildar and he was sent to the Tahsildar along with his driver. The statement of his driver shows that this is not the only instance where the petitioner has sent people for issuance certificates and that he has been recommending several such people.

6. Hence, in the light of the statement of none other than the driver of the petitioner himself, which shows that the petitioner, who did not have any concern with the donation of kidneys or organs or making recommendations for issuance of certificates to people, who approached him, has been sending people to the Tahsildar, this Court opines that the contention of the counsel for the petitioner that the petitioner is an elderly person and did not commit any such offence, cannot be accepted. Hence, in view of the above, this Court does not find it a fit case for grant of anticipatory bail. However, the petitioner is at liberty to approach the concerned Court having jurisdiction and seek regular bail. On such petition being filed, the concerned Court shall dispose of the same, on merits, on the same day subject to pressure of work.

The criminal petition is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

February 20, 2018  
DSK

T. RAJANI, J