

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION No.1755 of 2019

ORDER

The petitioner is A.4 in Crime No.145 of 2016 on the file of Achampet Police Station, Mahabubnagar District. He is alleged to have committed offences relatable to Sections 384, 385, 386 and 120B IPC. By way of this petition filed under Section 438 CrPC, he seeks grant of anticipatory bail.

As per the complaint lodged by one Kamsheeti Srinivasulu, he was asked time and again during July, 2016, to meet with Nayeem, a gangster, but he did not comply. He was however taken forcibly to a house where he was asked to contribute Rs.2,00,00,000/-, failing which a threat was held out that his son would be killed. He finally agreed to pay Rs.60,00,000/- and was made to sign on a blank paper. On 01.08.2016, a call was made to him asking him to deliver the promised amount and he got his brother to hand over Rs.30,00,000/- in cash along with 15 tulas of gold biscuits. Significantly, the FIR named only Nayeem, Sheshanna, Sardar and Ramaiah Kancha as the accused but Serial No.5 of the FIR left the option open for naming more persons by recording the word 'Others'. The remand report dated 02.10.2018 thereafter named ten accused and the petitioner finds mention amongst them as A.4.

It is the claim of the petitioner-A.4 that he is innocent and was implicated in the case basing on the confessional statements of A.5 and A.6. He asserts that he is the only earning member of his family and has to look after his aged parents, wife and children. On these grounds, he seeks anticipatory bail, stating that he would furnish security and abide by any conditions that may be imposed.

The Circle Inspector of Police, Achampet, Nagarkurnool District, filed a counter-affidavit opposing the plea of the petitioner-A.4. Therein, he set out various details pertaining to the case and pointed out that the petitioner-A.4 along with others was involved in Crime No.124 of 2013 on the file of Achampet Police Station, relating to the murder of one Sharanu Srinivas Rao by Nayeem's gang. According to him, the petitioner-A.4 was one of the main associates of Nayeem, the gangster, and his custodial interrogation was essential to gather information of the acts of extortion committed by this gang.

Earlier, the petitioner-A.4 filed CrI.P.No.1132 of 2019 before this Court seeking anticipatory bail in relation to this crime but the same was dismissed by order dated 14.03.2019. Perusal of the said order reflects that this Court took note of the fact that there was no mention of the name of the petitioner-A.4 in the FIR but as per the confession of A.5 and A.6, it came to light that the petitioner-A.4 was also a member of Nayeem's gang and indulged in heinous offences. This Court opined that the gravity of the offence was high and as it could not be said that the petitioner-A.4 had no links with the gang, he did not deserve grant of bail under Section 438 CrPC.

Though it is strenuously argued before this Court that even the remand case diary does not attribute any overt acts to the petitioner-A.4 in relation to commission of the subject offence, the mere fact that the name of the petitioner-A.4 is not directly linked to the commission of this offence does not absolve him, inasmuch as he is alleged to be a member of this dreaded gang, and one of the charges leveled against him is in relation to criminal conspiracy. Organized crime requires to be curbed with an iron hand and members of such gangs cannot claim immunity in a

particular case involving such a gang on the sole ground that they were not personally implicated in so many words. It appears that most of the accused are still at large and only A.5 and A.6 have been arrested. The investigation is still ongoing. No grounds are therefore made out for grant of pre-arrest bail to the petitioner-A4. Further, this Court finds no changed circumstances since the dismissal of CrI.P.No.1132 of 2019 on 14.03.2019 to grant relief in this bail petition.

The Criminal Petition is accordingly dismissed.

29th APRIL, 2019

PGS

JUSTICE SANJAY KUMAR

