

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.10126 OF 2023****ORDER:**

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/Accused in Crime No.63 of 2023 on the file of Cherla Police Station, Bhadradri Kothagudem District, registered for the offences under Sections 120-B, 147 and 148 r/w. 149 of IPC and Section 25(IB) (a) of the Indian Arms Act and Sections 10, 13, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 (for short 'UAP' Act).

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The allegation against this petitioner is that he is a member of CPI Maoist party involved in terrorist activities. In the said circumstances, the Police have registered a case under UAP Act and allied offences. The main ground urged by the learned counsel appearing for the petitioner is that

the petitioner is suffering with Alzheimer's disease and not in a position to recognize any one or speak coherently. On the basis of the said argument, this Court by order dated 13.10.2023 sought report regarding mental condition of the petitioner from Superintendent, Central Prison, Chanchalguda. Accordingly, the Superintendent, Central Prison addressed a letter to the Assistant Registrar on 17.10.2023 including medical note and other medical documents relating to the treatment of the petitioner herein. In the medical note dated 16.10.2023, the Deputy Civil Surgeon, Central Prison, Hyderabad stated that the petitioner was imprisoned on 25.07.2023 and thereafter, since he appeared sick, there was an evaluation and he was advised medication. On 28.07.2023, he was referred to Osmania General Hospital under emergency under poor hygiene, abnormal behavior and memory issues. Several tests were conducted and he was also sent for psychiatric examination and the Psychiatrist opined that he is behaving abnormally. He was discharged on 07.08.2023 and diagnosed as prolapsed hemorrhoids grade IV on conservative medications. Again on 10.08.2023, he was

referred to NIMS. Again, the petitioner was re-admitted at Osmania General Hospital and discharged on 20.09.2023 and again admitted on 02.10.2023 and discharged on 09.10.2023. Finally, Doctor informs that petitioner is suffering with Alzheimer's, dementia and completely disoriented. At present, the petitioner is in Osmania General Hospital.

4. Keeping in view the medical condition of the petitioner, this Court deems it appropriate to grant the relief of regular bail to the petitioner for a period of **twelve weeks**, subject to following conditions:

- i) The petitioner shall be released on bail, on giving an undertaking by two of his relatives, who shall undertake to inform the movements of the petitioner and also furnish security of Rs.50,000/- (Rupees Fifty thousand only) with two sureties, for a like sum each to the satisfaction of Judicial Magistrate of First Class, Bhadrachalam.
- ii) Since this Court had concluded on the basis of petitioner's ailments, he cannot be imprisoned and he shall surrender before the concerned trial Court after twelve weeks. However, in the event of subsisting illness as on the date after twelve weeks,

the petitioner shall move the concerned trial Court. The trial Court after considering the medical condition of the petitioner, shall extend the bail granted.

(iii) Without obtaining permission from the local Police, petitioner shall not be taken outside the limits. In the event of petitioner being taken for any kind of treatment or for any other purpose, the same shall be informed to the Police and details be given to the said Police Station.

(iv) The petitioner/Accused shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

5. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

Date: 18.10.2023
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.18.10.2023

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