

HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

And

HONOURABLE SRI JUSTICE B. KRISHNA MOHAN

I.A.No.2 of 2021

In

Criminal Appeal No.93 of 2021

ORDER: *(Per Hon'ble Sri Justice C. Praveen Kumar)*

Heard Sri Posani Venkateswarlu, learned counsel appearing for the petitioner/A.3 and Sri S. Dushyanth Reddy, Additional Public Prosecutor for the State, through Blue Jeans video conferencing APP and with their consent, the application is disposed of.

2) The present application came to be filed by the petitioner/A.3 seeking bail pending disposal of the Criminal Appeal No.93 of 2021, on the ground that he is suffering from Blood Pressure, Sugar complaint, Asthma, Chronic Osteo Arthritis and other ailments including multiple fracture of ribs.

3) The petitioner/A.3 was tried along with other accused in Sessions Case No.113 of 2013 on the file of XIII Additional Sessions Judge, Narasaraopet, FAC: X Additional Sessions Judge, Gurazala, for the offences punishable under Sections 147, 148, 302 read with 34 and 120B of the Indian Penal Code. By its Judgment, dated 19.02.2021, the learned Sessions Judge convicted the petitioner/A.3 for the offences punishable under Sections 147, 148, 302 r/w 34 and 120B

IPC and sentenced him to suffer imprisonment for life and to pay a fine of Rs.1000/- in default to suffer simple imprisonment for a period of three months. Challenging the same, the present Criminal Appeal No.93 of 2021 came to be filed before this court.

4) The averments in the affidavit filed in support of the application would disclose that the petitioner is aged about 69 years, which is evident from Aadhar card issued to him. His age was wrongly mentioned in the charge sheet and the same was carried in the judgment also. It is said that the petitioner is suffering from various ailments and it has become difficult for him to move in jail without an attendant. It is urged that he is not able to attend nature calls and that his health condition is very bad. It is further said that right from the time he is sent to the jail for undergoing sentence, he is being treated in Government General Hospital, Kakinada and as of now he is confined to bed. In view of the health condition, the present application came to be filed seeking bail.

5) Learned Additional Public Prosecutor placed on record the medical reports of the petitioner/A.3. Though the Nominal Roll shows the age of the petitioner as 49 years, the same is disputed by the learned counsel for the petitioner/A.3, on the ground that the medical reports filed by the Public Prosecutor

would disclose the age of the petitioner as more than 60 years.

6) As seen from the record, though the petitioner was sent to jail on 19-02-2021, immediately thereafter he had a cardiac problem, which is evident from the Out Patient ticket dated 01.03.2021. The Causality Medical Officer, District Hospital, Rajamahendravaram also addressed a letter to the Assistant Professor, General Medicine Department/Cardiology Department, Government General Hospital, Kakinada requesting him to examine the patient and his admission for necessary treatment. However, the petitioner was discharged on 25.03.2021 from the hospital. Apart from all these things, the medical reports, which are filed, would go to show severe multiple rib fractures in the posterior aspect on right side. It is not the case of the petitioner/A.3 that he was beaten in jail. But, the learned counsel for the petitioner/A.3 submits that because of his ailments, the petitioner/A.3, who is unable to move on his own, fell down and sustained these injuries. Learned Additional Public Prosecutor, who was asked to get instructions on this aspect, stated that he fell down in the bath room and sustained rib fractures. He however submits that the condition of the petitioner is stable and as such, it is not a case for grant of bail.

7) The outpatient slip dated 11.06.2021 also indicates taking of ECG and X-ray of CXR PA.

8) Though the condition of the petitioner is stable, having regard to the facts and circumstances of the case and keeping in view the fact that the petitioner sustained multiple rib fractures in the posterior aspect on right side and there being no evidence as to whether the same got healed, we deem it fit and proper to release the petitioner/A.3 on interim bail for a period of four (4) weeks from today on his executing a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with two sureties for a like sum each to the satisfaction of II Additional Junior Civil Judge, Gurazala.

It is made clear that after expiry of bail period, the petitioner/A.3 shall surrender before the Superintendent, Central Prison, Rajamahendravaram, East Godavari District.

C. PRAVEEN KUMAR, J

B. KRISHNA MOHAN, J

Date: 05-10-2021

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