

Neelam Prabhavati vs The State Of Andhra Pradesh on 10 January, 2025

THE HON'BLE JUSTICE Dr. V.R.K.KRUPA SAGAR

CRIMINAL PETITION No.9202 of 2024

ORDER:

This Criminal Petition, under Section 438 of Cr.P.C. (Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023), is filed by the petitioner/A.5 seeking anticipatory bail in connection with Crime No.187 of 2024 of Nagarampalem Police Station, Guntur District, registered for the offences punishable under Sections 120B, 166, 167, 197, 307, 326, 465 and 506 read with 34 I.P.C.

2. The accused in F.I.R.No.12 of 2021 is the de facto complainant/victim in the present concerned F.I.R.No.187 of 2024. He complained of torture and manipulated medical records. Therefore, it is appropriate to see what is alleged in F.I.R.No.187 of 2024.

3. The allegations in the F.I.R. read as below:

"Subject: Complaint Regarding Attempted Murder, Custodial Torture, and Criminal Conspiracy To:

Superintendent of Police, Guntur District, Andhra Pradesh.

Date:

June 11, 2024 Introduction:

1, Mr. K Raghurama Krishnam Raju, aged 62 years, son of KVSSN Raju, former Member of Parliament from Narasapuram, Andhra Pradesh, and presently elected as MLA of Undi, West Godavari district, am writing to report serious offenses related to my arrest and subsequent treatment in custody. This complaint addresses allegations of attempted marder, custodial torture, and criminal conspiracy.

Background:

A false case was registered against me by the CBCID of the Andhra Pradesh government (FIR No. 12/2021, dated May 14, 2021). On May 14, 2021, I was arrested without due process, including the absence of a medical examination or adherence to proper legal procedures. It is pertinent to note that I had undergone cardiac surgery few weeks before the arrest and was recuperating at home at the time of my arrest. I was arrested on May 14, 2021, at 5 pm in Hyderabad, Telangana.

The rule of law required that I be produced before the local magistrate in Hyderabad and undergo a medical examination. Instead, I was bullied, unlawfully physically pulled inside the police vehicle, and forcibly taken to Guntur the same night. I was kept in the CBCID OFFICE, Guntur from 9:30 pm onwards. I was not given my medicines despite having had open-heart bypass surgery a few weeks before the arrest. As a sitting MP, no permission of the Speaker of Lok Sabha was obtained before my arrest. Apprehending police torture and murder, I had Y Category Police Protection by the Central Government, which was deliberately denied to me. Incident Details:

Following my arrest, the police arrived at my Hyderabad residence and transported me to the CBCID regional office in Guntur. Despite my critical health condition, I was denied medical aid and food. During my detention, I was subjected to physical abuse, including being beaten with rubber belt and lathi and an attempt to suffocate me by sitting on my chest and choke my heart which I firmly believe was an intentional attempt to murder me.

At around 11:30 pm the same night, Mr. PV Sunil Kumar IPS, the then DG of CBCID, along with Mr. Seetharamanjaneyulu IPS and other police subordinates, came to the room where I was illegally kept in the CBCID Police Office. My legs were tied up with ropes, preventing me from moving. They started beating me with rubber belt and lathi and other weapons for almost 30 minutes initially. I was crying in pain with bloodied feet. The same torture continued 5 times more without allowing me even water or medicines. They were abusing me with filthy language and threatening to kill me for criticizing the then Chief Minister, Mr. Jagan Mohan Reddy. One officer showed a video of the torture to the Chief Minister. Another officer sat on my chest where the surgery had taken place, pressing down in an attempt to kill me and make it appear as a heart attack. Somehow, I survived. My phone was taken, and I was beaten until I provided the password. My bed was broken due to beating me on the bed and I was made to sleep broken bed. I can identify all the officials who committed these crimes. When you register the FIR, I will submit the full details. The next day, I narrated the entire event to the Magistrate, who recorded the injuries and recording that it was a custodial torture sent me to Govt General Hospital instead of Police or Judicial Custody. After I was admitted in the General Hospital Mr Sunil Kumar DG came to the Hospital the same night i.e on 15th night and was threatening the Doctors not to report the critical injuries I suffered in the hands of Police. One Dr Prabhavathi, the then Superintendent colluded with Mr Sunil Kumar and obtained the falsified medical reports that there were no injuries on the body. Due to the police brutality, I was shifted from Guntur to Secunderabad Army Hospital by the orders of Hon'ble Supreme Court and thereafter I was granted bail by the Supreme Court. Army Hospital medical reports revealed that I had fractures in my feet in complete contrast to the medical reports of Dr Prabhavathi. Despite this, the case of police brutality against a Member of Parliament was never registered by the police under Mr. Jagan Mohan Reddy's influence. Copies of the medical reports are enclosed which clearly proved that the medical reports given by Dr Prabhavathi were concocted and falsified to cover up the atrocities committed by Police.

Accused Individuals:

The officers involved in these heinous acts include:

Mr. PV Sunil Kumar, DG CBCID Mr. Seetharamanjaneyulu, IPS Mr. YS Jagan Mohan Reddy, the then Chief Minister Mr. R.Vijaya Paul, Addl. Supdt of Police, CBCID Dr. Prabhavathi and other doctors who gave false medical reports Additionally, Mr. PV Sunil Kumar threatened me that I would be killed if I were to criticize the then Chief Minister Mr. YS Jagan Mohan Reddy.

Legal Provisions:

The acts of the accused officers constitute grave violations under various legal provisions:

Attempted Murder: The deliberate acts to cause physical harm, including beatings and attempts to suffocate, clearly indicate an intention to cause death.

Custodial Torture The right to life and personal liberty is violated through the acts of torture and denial of medical aid, constituting inhuman and degrading treatment.

Criminal Conspiracy The coordinated actions of the officers and the involvement of the then Chief Minister in orchestrating these acts indicate a clear conspiracy to harm and silence me.

Medical Evidence:

I have attached copies of medical reports that substantiate the custodial torture and attempted murder. These documents provide concrete evidence supporting my claims.

Conspiracy Allegations:

I have reason to believe that this was a conspiracy orchestrated by Mr. YS Jagan Mohan Reddy and others. I request an immediate investigation into the actions of the accused officers and the then Chief Minister.

Conclusion:

I demand that a case be registered against all accused individuals for attempted murder, custodial torture, and criminal conspiracy. These serious criminal offenses must be addressed promptly and justice be done."

4. It is in this factual situation, the petitioner seeks bail in anticipation.

5. The victim/de facto complainant was impleaded as respondent No.2 whose application for impleadment in I.A.No.2 of 2024 was allowed by a learned Judge of this Court on 30.12.2024.

6. Sri P.Veera Reddy, the learned Senior Counsel appearing on behalf of Sri M.Sambi Reddy, the learned counsel for petitioner and Sri Posani Venkateswarlu, the learned Senior Counsel representing the State by virtue of being designated as a special counsel for this case as per G.O.Rt.No.615 dated 12.07.2024 and Sri M.Lakshmi Narayana, the learned Public Prosecutor for respondent No.1-State and Sri V.V.Lakshmi Narayana, the learned counsel for respondent No.2/victim/de facto complainant submitted their arguments.

7. Earlier the petitioner filed anticipatory bail petition vide Crl.M.P.No.1288 of 2024 before the learned II Additional Sessions Judge, Guntur and the same was dismissed by an order dated 13.12.2024.

8. On behalf of the petitioner, the learned Senior Counsel urged:

Allegations in the complaint are omnibus, vague and there are no specific overt acts against the petitioner/A.5. Petitioner/A.5 was innocent and she was maliciously implicated in this crime with an ulterior motive for wreaking vengeance.

Petitioner is 64 years old and a respected Gynaecologist who has received several commendations recognizing her services and had retired from service.

Petitioner was no way connected with the Police Department and all the allegations in the complaint are relating to custodial torture which are against the other accused working in the Police Department. Even as per the complaint the role of the present petitioner was at a subsequent stage after the Magistrate ordered for Medical Examination. Therefore, Sections 307 and 326 of I.P.C are not attracted so far as the petitioner is concerned. Change in the political establishment brought this false case and the victim-cum-de facto complainant being a person in power and authority if really suffered any torture ought to have resorted to file a private complaint which he did not and that itself indicates that the case is one of political machinations.

Petitioner as a Gynaecologist was officiating as the Superintendent of Government General Hospital at that concerned time. It is further alleged that after receiving the medical opinion from the Cardiologist and other concerned specialists, the report was merely forwarded by the petitioner, being the Superintendent of Government General Hospital, Guntur and Chairman of the Medical Board.

None of the other members of the Board or the specialists were arrayed as accused in the crime and only the petitioner was arrayed as an accused and that would speak about victimization of the petitioner by the State at the instance and insistence of the de facto complainant. The allegation of compelling the other members of the Board to issue false medical certificates was never reported by the members of the Board

about the crime before either to the police or higher officials at the concerned time. It is further submitted that merely because the conclusion or opinion of one Professional Doctor differs from the other, it cannot be alleged that false medical records were created because each one is entitled to form his/her opinion basing on the knowledge and personal experience and therefore the essential ingredients under Sections 166, 167, 197 and 465 of I.P.C., are not attracted.

Petitioner is suffering from several health ailments such as diabetes, hypertension, and chronic asthma and is under medication and requires specialist medical attention at all times.

9. As against the above, the arguments of Sri Posani Venkateswarlu, the learned Senior Counsel representing the State is emphatic and strong. Referring to the investigation and case diary that is prepared so far, it is stated that this petitioner along with the other Doctors were members of the Medical Board and the petitioner was the Chairman. The two other Doctors who were part of that Board were examined as LWs.19 and 20 and it emerged that they were influenced by this petitioner in giving their reports. Even earlier to the constitution of the Medical Board when the arrestee was produced for medical examination, the presence of this petitioner was seen with them indicating as to how the petitioner was from the beginning prevailed upon the other Doctors. A Medical Board being constituted on the directions of the Hon'ble Division Bench of this Hon'ble High Court the Board was expected to be fair in conducting medical examinations and arrived at an assessment of it truthfully. Investigation disclosed as to how under the chairmanship of this accused the Medical Board failed to discharge its duties in accordance with medical ethics and law. The very same medical papers were subjected to scrutiny by another Medical Board during the course of investigation and it was seen that the X-ray of right foot was found partially taken and distal phalanges of great toe and second toe were not included in the film. Similar is the case with reference to X-ray of left foot. The investigation revealed that the husband of the petitioner belonged to YSR Congress Party. The forceful submission of the learned Senior Counsel, while referring to various medical reports, is that it was the scheme among the accused to see that the victim in this case suffered from internal bleeding leading to possible death.

10. Appearing on behalf of the victim/respondent No.2, Sri M.Lakshmi Narayana, the learned Public Prosecutor reiterated the same submissions.

11. Sri R.Vijaya Paul/A.4 in the same Crime No.187 of 2024 filed Criminal Petition No.5293 of 2024 before this Court and the same was dismissed on 24.09.2024.

12. After considering the entire material on record and the earnest submissions made on both sides, the following aspects are to be stated:

The victim-cum-de facto complainant in the present case was allegedly subjected to custodial torture. He was produced before the learned Magistrate with a request to remand him to judicial custody. At the remand hearing, the victim disclosed his version of the events. The remand report discloses that the learned Magistrate on the personal observation also found the physical difficulties that were experienced by the

victim. Learned Magistrate directed for his medical examination both by Government Doctors at the Government Hospital as well as at a Private Hospital. According to the prosecution, the then police officers failed to take the victim to the private hospital.

13. Record would further show that in regard to this crime, Writ Petition No.10152 of 2021 was filed before this Court. A learned Division Bench of this Court, considering the issues raised, directed a Medical Board to be constituted and conduct medical examination of the alleged victim of police torture. Accordingly, a Medical Board was constituted and this petitioner being the Superintendent of Government General Hospital, Guntur was its Chairman. The report submitted by the Medical Board reads as below:

"PROCEEDINGS OF THE CHAIRMAN, MEDICAL BOARD GOVERNMENT GENERAL HOSPITAL, GUNTUR The Board has examined him/her and given opinion as follows:

We are herewith submitting the Medical Board report of Sri Kanumuri Raghurama Krishnan, Raju.

He was admitted on 16.05.2021 at 12.31 am with LP. No.H026237 with history of assault by unknown persons on

14.05.2021 around 11.30 PM at CID Office, Guntur. On General examination he is conscious and coherent pulse 86 per munite, BP 120/80, SPO2 96 with room air, CVS/RS- NAD. Local examination edema of both feet were present, discoloration of plantar aspect of both feet present. No evidence any external injuries. As he underwent CABG on 30.11.2020 and complaining of chest pains case was referred to Cardiologist. Cardiologist gave his opinion as no acute cardiac event at present. Patient condition was stable as per cardiology, Neurology and Nephrology Doctors Opinion.

Hence, we are of the opinion that, the patient condition is stable, there are no external injuries. The findings noted on clinical examination are not due to alleged assault.

Sd/-

Sd/-

Sd/-

Member

Member

CHAIRMAN"

14. Matter did not stop there. Proceedings were initiated

before the Hon'ble Supreme Court of India by the victim of torture. In Criminal Appeal No.515 of 2021 arising out of SLP(Criminal) No.3785 of 2021, their Lordships were pleased to order for a medical report of the Medical Board of the Army Hospital. Accordingly, such Medical Board was constituted and the victim-cum-de facto complainant was thoroughly examined by the expert body and they submitted their report to the Hon'ble Supreme Court of India. The order of the Hon'ble Supreme Court of India referred to the report of the Medical Board of the Army Hospital. It

contained X-ray of both feet (Dorso-plantar and oblique views) No.10260 dated 18 May 2021: Undisplaced fracture of the distal phalanx of the second toe (left foot). At parge No.10 of the order their Lordships were pleased to observe that the material prima facie permits an opinion that the victim may have been ill-treated while in police custody.

15. From the case diary, it is crystal clear that while the categorical allegation of the victim was that he was assaulted at his foot, the medical X-rays were taken omitting the necessary parts of the foot. At this stage, what is to be seen is that when under the orders of a learned Division Bench of this Court the Medical Board was constituted, it was its duty to see whether the X-ray films and reports contained all the necessary parts of the body or not. The fact that partial X-rays were considered and without a demur opinion was rendered by the Medical Board chaired by this petitioner, as rightly contended by the State, discloses prima facie case against the petitioner. Within a short span of time after this Medical Board opinion when the victim was subjected to examination by the Medical Board of the Army Hospital clear fractures were seen. During investigation these aspects make it amply clear that it is not a case where the petitioner cannot be said to have played some role. It is incumbent on the Doctors to abide by their medical ethics and show utmost obedience to the orders of the Court and discharge their duties appropriately. In the above referred circumstances since the prima facie case is seen this Court finds that it is not an appropriate case to grant pre-arrest bail. The observations made in this order shall not have any bearing in any connected proceedings and these observations are limited to the present petition only.

16. In the result, this Criminal Petition is dismissed.

_____ Dr. V.R.K.KRUPA SAGAR, J Date: 10.01.2025 Ivd THE
HON'BLE JUSTICE Dr. V.R.K.KRUPA SAGAR CRIMINAL PETITION No.9202 of 2024 Date:
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