

**HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

**CRIMINAL PETITION No.9744 of 2018**

**ORDER :**

This criminal petition filed under Section 438 Cr.P.C. by the petitioner/A.2, no other than the mother of A.1 among three accused including Syed Jeelani of Sathyam Hospital (A.3) about his role in relation to the alleged abortion, in Crime No.1061 of 2018 of Rajendranagar Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 417, 420, 376, 109 and 313 IPC and Section 4 of the Dowry Prohibition Act, 1961. The crime was registered on 03.07.2018.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the State, and perused the material on record.

3. No doubt, A.1 was arrested and remanded to judicial custody by remand report, dated 09.07.2018, and he was later enlarged on regular bail, by order of this Court in Crl.P.No.8936 of 2018, dated 11.09.2018. So far as the petitioner/A.2/mother of A.1 concerned, the clear accusation is that it is on her aiding, instigation and abetment, A.1 committed all the offences and she is privy with A.1. The petitioner went unsuccessful in seeking anticipatory bail before the learned Sessions Judge in Crl.P.No.2997 of 2018, dated 26.07.2018.

4. From perusal of the case diary including the order granting bail to A.1 by this Court referred supra, leave about the petitioner earlier filed anticipatory bail application before this Court in Crl.P.No.8144

of 2018 and when the Court not inclined to grant, withdrawn on 31.07.2018, even grant of regular bail to A.1 is not a concession to the petitioner/A.2. A stray sentence in the remand report of A.1 in the absence of A.2, A.1 committed the offence of sexual assault, which is not sufficient to say that A.2 is innocent.

5. Accordingly, the criminal petition is dismissed, for not entitled to the concession of anticipatory bail though part of the duty to balance the personal liberty in out weighing the propensity of the crime.

Miscellaneous petitions pending, if any, shall stand closed.

20<sup>th</sup> September 2018.

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**Dr. B. SIVA SANKARA RAO, J**

