

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CRIMINAL PETITION No.2682 OF 2019

ORDER:

1 This petition is filed under Section 438 CrPC seeking anticipatory bail by the petitioner, who is the sole accused in Crime No.39 of 2019 on the file of Kowdipalli Police Station, Medak District, which initially registered under Section 174 CrPC and later altered to Section 304-II IPC.

2 Perusal of the record demonstrates that the petitioner is a Registered Medical Practitioner. The allegation levelled against him is that he conducted circumcision on a minor boy, which led to certain complications and consequently the boy died.

3 The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case and he is not guilty of the offence alleged in the FIR. He further submitted that the petitioner is a High B.P and diabetic patient. He further submitted that the petitioner is a law abiding citizen and will cooperate with the investigating officer as and when required and hence the case of the petitioner for grant of anticipatory bail may be considered.

4 The learned Assistant Public Prosecutor submitted that he is yet to receive instructions in the matter from the authorities concerned and seeks time. However, he submitted that the allegations levelled against the petitioner are serious in nature and that because of his negligence a minor boy lost his life; therefore, the petitioner is not entitled to grant of anticipatory bail.

5 This Court, having considered the rival contentions, is of the opinion that the petitioner is not entitled to grant of pre-arrest bail. However, the petitioner can surrender before the learned VIII Additional Sessions Judge, Medak, within one week from the date of receipt of a copy of this order and move an application for bail. Upon such surrender, the learned VIII Additional Sessions Judge, Medak, shall consider the bail application of the petitioner and pass appropriate orders

thereon on the same day. The Court below should also take into consideration the age and health condition of the petitioner while considering the bail application of the petitioner.

6 With the above observations, this Criminal Petition is disposed of.

ABHI NAND KUMAR SHAVILI, J

Date: May 08, 2019.

Kvsn

