

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

WEDNESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

**:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI**

CRIMINAL PETITION NO: 2367 OF 2021

Between:

Dr.Dasari Koteswar Rao, S/o.Ram Murthy,

Petitioner/Accused-4

AND

The State of Telangana, Rep. by its Public Prosecutor High Court
of for the State of Telangana, At Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the
circumstances stated in the grounds filed in support of the
Criminal Petition, the High Court may be pleased to release the
petitioner on bail in event of his arrest in Crime No.4 of 2021 on
the file of Chityala Police Station, Nalgonda District;

The petition coming on for hearing, upon perusing the
Petition and the grounds filed in support thereof and upon
hearing the arguments of SRI A PRABHAKAR RAO Advocate for
the Petitioner and Assistant PUBLIC PROSECUTOR for the sole
Respondent, the Court made the following.

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2367 of 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A4 seeking to grant anticipatory bail in the event of his arrest in Cr.No.4 of 2021 on the file of Chityal Police Station, Nalgonda District, registered for the offences punishable under Sections 120-B, 313 read with Section 34 IPC and under Sections 23,23(3) read with Section 24 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Section 15(2)(b) of Indian Medical Council Act, 1956.

2. Heard learned counsel for the petitioner/A4, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner/A4 submits that the petitioner has not committed any offence as alleged by the prosecution and he has been implicated in this case based on the confession of other accused. He further submits that the petitioner is a retired MBBS Doctor and there are no specific allegations against him and his name is also not found in the FIR. He further submits that the entire investigation is completed, except filing of the charge sheet. He also submits that the petitioner is a law abiding citizen and he has not involved in any criminal cases earlier to this crime and he is ready to abide by any condition that may be imposed by this Court in the event of his enlargement on anticipatory bail.

4. Learned Assistant Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioner.

5. As seen from the contents of FIR, there are no allegations against the petitioner and his name is not mentioned as 'accused' in the FIR. However, in the remand report, the name of petitioner has been mentioned simply stating that the petitioner-Dr.Koteswar Rao, who is a

retired MBBS Doctor, also visited the hospitals of A3 and A10. Except this, there is nothing on record to show that the petitioner is also involved in ultrasound scanning and determination of sex in the womb of the expected mothers. Thus, looking into the nature of allegations leveled against the petitioner, without adverting to the merits of the matter, I am inclined to grant anticipatory bail to the petitioner/A4.

6. The Criminal Petition is accordingly allowed and the petitioner/ A4 is granted anticipatory bail subject to the following terms and conditions:

(i) The petitioner/A4 is directed to surrender before the Station House Officer, Chityal Police Station, Nalgonda District, within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioner/A4 on bail on his executing a personal bond to the tune of Rs.15,000/- (Rupees fifteen thousand only) with two sureties for the like sum each to his satisfaction.

(ii) On such release, the petitioner/A4 shall appear before the Investigating Officer on 3rd Saturday of every month between 10.00 AM and 2.00 PM., till completion of investigation or filing of the charge sheet whichever is earlier.

(iii) The petitioner/A4 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

7. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

//TRUE COPY//

SD/- M.MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Judicial First Class Magistrate at Ramannapeta. ✓
2. The V Additional District and Sessions Judge at Bhongir ✓
3. The Station House Officer, Chityala Police Station, Nalgonda District. ✓
4. One CC to SRI. A PRABHAKAR RAO Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
6. One spare Copy

HIGH COURT

GSDJ

DATED:31/03/2021

ORDER

CRLP.No.2367 of 2021



ANTICIPATORY BAIL