

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE SIXTEENTH DAY OF APRIL

TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI

CRL.P. NO: 2552 OF 2021

Between:

1. Bathuka Yadagiri, S/o. Shankaraiah.
2. Putlapaty Kiran, S/o. Bixapathi

..... Petitioners/Accused No.1 & 2

AND

The State of Telangana, through S.H.O. Chityala (NLG) Police Station, Rep. by
Public Prosecutor, High Court at Hyderabad.

.....Respondent/ Complainant

Petition under Sections 437 & 439 of Cr.P.C. praying that in the circumstances stated in the petition filed herein, the High Court may be pleased to enlarge the Petitioners/Accused Nos.1 and 2 on bail in connection with the Crime No. 04 of 2021, dt. 03/01/2021 of Chityal (NLG) Police Station, Nalgonda district, in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri Pale Sriharinath, Advocate for the Petitioners, and of Additional Public Prosecutor for the respondent, the Court made the following.

ORDER

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.2552 OF 2021

ORDER:

The petitioners/A-1 and A-2 filed the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure seeking to grant bail to them in Crime No.4 of 2021 of P.S. Chityala (NLG), Nalgonda District, which was registered for the offences punishable under Sections 120-B and 313 of the Indian Penal Code and Section 23 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

Heard the learned counsel for the petitioners/A-1 and A-2, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

The allegation against the petitioners/A-1 and A-2 is that on 03.01.2021 at 17.30 hours, the *de facto* complainant gave a complaint stating that the petitioners/A-1 and A-2 and other accused have been illegally conducting ultrasound scanning for several women to find out the sex of the baby in the womb and if they know that the baby in the womb is female, then they would do abortions and all are working as a group in the illegal business.

Learned Additional Public Prosecutor opposed to grant bail to the petitioners/A-1 and A-2 and stated that the petitioners/A-1 and A-2 are not having previous criminal antecedents.

Learned counsel for the petitioners/A-1 and A-2 are languishing in jail for more than 75 days. The petitioners have nothing to do with the alleged crime and they have not committed any offence as alleged by the prosecution and they are falsely

implicated in the above case. Hence, it is prayed to consider the petitioners' application for bail.

Looking into the facts and circumstances of the case and the fact that most part of the investigation is completed and the statements of several witnesses have already been recorded by the police, I am inclined to grant bail to the petitioners/A-1 and A-2.

The Criminal Petition is allowed and the petitioners/A-1 and A-2 shall be released on bail on the following terms and conditions:

- (i) That the petitioners/A-1 and A-2 shall execute a personal bond for Rs.1,00,000/- (Rupees one lakh only) each with two sureties for a like sum each to the satisfaction of the Principal Judicial First Class Magistrate, Ramannapeta, Nalgonda District;
- (ii) That the petitioners/A-1 and A-2 shall appear before the investigating authorities on every Saturday between 10.00 am and 5.00 pm till conclusion of investigation and submission of final report;
- (iii) That the petitioners/A-1 and A-2 shall not indulge in similar type of activities in future and if it is found that they are indulged in similar type of activities in future, the liberty granted to them shall automatically stand cancelled and they would be taken into custody forthwith.
- (iv) that the petitioners/A-1 and A-2 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Investigating Authority;
- (v) that the petitioners/A-1 and A-2 shall not act in any manner which will be prejudicial to fair and expeditious investigation and shall co-operate with the investigating agency;
- (vi) that the petitioners/A-1 and A-2 shall not misuse the liberty granted to them.

- (vii) that the petitioners/A-1 and A-2 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/- T.KRISHNA KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The V Additional District and Sessions Judge, Bhongir at Nalgonda
2. The Pri. Judicial First Class Magistrate, Ramannapeta, Nalgonda District
3. The Superintendent, District Prison at Nalgonda, Nalgonda District
4. The Station House Officer, Police Station, Chityal (NLG) Police Station, Nalgonda district
5. Two CCs to the Public Prosecutor, High Court at Hyderabad (OUT)
6. One CC to Sri Palle Sriharinath, Advocate (OPUC)
7. One spare copy.

HIGH COURT

GSD,J

DATED: 16.04.2021



ORDER:

CRLP. NO: 2552 of 2021

BAIL