

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.6441 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused No.2 in Crime No.228 of 2022 on the file of Station House Officer, Dundigal Police Station, Pet Basheerabad, Cyberabad registered for the offences punishable under Sections 376(2)(n), 376(3), 506 and 313 read with Section 109 of Indian Penal Code and Section 5(j), (ii), (l), (n) read with Section 6 of POCSO Act, 2012.

2. Heard learned counsel for the petitioner/Accused No.2 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The prosecution registered a case on the basis of a complaint given by the *de facto complainant* stating that the victim girl was impregnated by Accused No.1 and the said victim was taken to the hospital of this petitioner. This petitioner being a doctor had performed the abortion procedure and thereby aborted the fetus of

the victim girl, as such, the offence under Section 313 of Indian Penal Code is attracted against this petitioner.

4. Learned counsel for the petitioner submits that Accused No.1 who is the main accused was already granted bail and released by the Sessions Court.

5. In the said circumstances, this petitioner/Accused No.2 who is the doctor can be granted the relief of bail subject to conditions.

6. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.2 is granted bail subject to the following conditions:

- i) The petitioner/Accused No.2 shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of XXI Additional Metropolitan Magistrate at Medchal.
- ii) The petitioner/Accused No.2 shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of three (03) months or until filing of charge sheet whichever is earlier.

iii) After release from jail, the petitioner/accused No.2 shall not in any manner indulge in any activity attracting the offences alleged, failing which the prosecution is at liberty to move for cancellation of bail granted to this petitioner/Accused No.2.

iv) The petitioner/Accused No.2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 27.07.2022
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