

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1588 of 2023

ORDER:

Heard Smt Kavita Yadav, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. This Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioner, who is arrayed as accused in Crime No.16 of 2023 of Chennaraopet Police Station, Warangal District, for grant of pre-arrest bail.

3. The matrix of the case, as could be perceived through the contents of the complaint, is that the daughter of the defacto complainant, who was blessed with three children, again became pregnant. On that, she approached the petitioner, who is an RMP doctor, for getting the pregnancy terminated. The petitioner gave some tablets and the daughter of the defacto complainant had swallowed those tablets and from then, she started suffering with severe bleeding. When the same was informed to the petitioner, he gave two injections, but the bleeding did not come to control. She was shifted to Narsampet Government Hospital and from

there to C.K.M. Government Hospital, where she breathed her last.

4. Stating that the petitioner is not at fault, learned counsel for the petitioner states that at least the details of the tablets, if any, that were given by the petitioner is not stated in the complaint and same is the case with the alleged injections. Learned counsel submits that the petitioner is residing in the same village since 35 years and there are no allegations against him and only to extract money, a false case is foisted against the petitioner. By stating so, learned counsel for the petitioner seeks the relief claimed.

5. On the other hand, the submission of the Learned Additional Public Prosecutor is that an R.M.P. doctor is not supposed to prescribe any medicines, but the petitioner did so and therefore, he is responsible for the death of the daughter of the defacto complainant. Learned Additional Public Prosecutor also states that six witnesses were examined till now.

6. Having considered the nature of the case and the fact of completion of examination of material witnesses, this

Court is of the view that the request of the petitioner can be honoured, however conditionally.

7. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/accused is directed to surrender before the Court concerned within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with two sureties for the like sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.
- (ii) In case, the petitioner/accused holds a passport, he is directed to surrender the same.
- (iii) The petitioner/accused should not involve in any unlawful activity.
- (iv) The petitioner/accused should afford all assistance for proper investigation of the case.

(v) The petitioner/accused should not cause the evidence of the offence disappear.

(vi) The petitioner/accused should not tamper with the evidence in any manner.

(vii) The petitioner/accused should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.

(viii) The petitioner/accused should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused shall report before the Station House Officer, Chennaraopet Police Station, Warangal District, on every Sunday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused shall file an affidavit before the court concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. He shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

20.02.2023
DR