

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5681 OF 2023

ORDER:

1. This petition is filed under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C) seeking anticipatory bail to the petitioner, who is arrayed as accused No.2 in Crime No.200 of 2020 of Hayathnagar Police Station, Rachakonda. The offences alleged against the petitioner are under Sections 314 and 304-A of the Indian Penal Code.

2. The allegation is that the hospital i.e. M/s.Amma Hospital allegedly conducted abortion on the girl without the consent of the parents and terminated the pregnancy and such surgery resulted death of the girl who was aborted. The present petitioner claimed to be the owner of the Amma Hospital.

3. The contention of the learned counsel for the petitioner is that initially the petitioner established the hospital and developed the same. Subsequently, in the month of October, 2019 hospital was sold to one Mohammed Faiz Ahmed and Chand Pasha Mohammed with an understanding that Rs.5 Crores have to be paid to them and remaining Rs.5 Crores which are due to

the financial institution, has to be clear by them. In support of such transaction, learned counsel for petitioner filed agreement of sale as well as the bank statement to show the credit of such amount by purchasers.

4. Learned Additional Public Prosecutor opposed the bail application.

5. As seen from the sale transaction, there is a transaction to sell the management of the hospital in between the petitioner and other purchasers. The agreement of sale is of October, 2019 and to establish truthfulness of the agreement, the bank statements were also produced, which shows that the purchasers have transferred the amount their trading account, this gives credence to the claim made by the petitioner. It appears the petitioner was not incharge of the management of the hospital, even though the license stands in his name on account of sale transaction. In the said circumstances, it is a fit case to grant bail to the petitioner - accused No.2.

6. Accordingly, the Criminal Petition is allowed and the petitioner-accused No.2 shall be released on bail on the following terms and conditions:

- (i) The petitioner-accused No.2 is enlarged on bail in the event of his arrest in connection with FIR No.200 of 2020 on the file of the Station House Officer, Hayathnagar Police Station, Rachakonda on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties to the like sum each to the satisfaction of concerned Station House Officer.
- (ii) The petitioner-accused No.2 shall appear before the Station House Officer, Hayathnagar Police Station, Rachakonda on every Sunday between 10.00 am and 05.00 pm, for a period of two (02) months.
- (iii) The petitioner-accused No.2 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M. LAXMAN

Date: 07.07.2023
pld/ns

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