

**THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION Nos.11904 OF 2023**

**ORDER:**

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused Nos.1 to 3 seeking bail in the event of their arrest in connection with Crime No.293 of 2023 on the file of Sultan Bazar Police Station, Hyderabad, registered for the offence under Section 315 r/w. 34 of IPC.
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The 1<sup>st</sup> petitioner is the wife of the *de-facto* complainant and the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners are her parents. It is alleged by the *de-facto* complainant that A-1 underwent abortion illegally with the support of A-2 and A-3.
4. On the basis of the said complaint, the case was registered for the offence under Section 315 r/w. 34 of IPC.
5. Learned counsel appearing for the petitioners would submit that A-1 was hospitalized and miscarriage taken

place. However, false complaint was filed against the petitioners.

6. Since A-1 is the mother of the child, any miscarriage or abortion at her instance may not attract an offence under Section 315 of IPC.

7. In the said circumstances of the case, the petitioners can be granted the relief of anticipatory bail, subject to following conditions:-

- 1) The petitioners/Accused Nos.1 to 3 are directed to surrender before the Station House Officer, Sultan Bazar Police Station, Hyderabad, on or before 13.12.2023. Upon such surrender, the said Station House Officer shall release the petitioners/Accused on bail, on their executing personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum each to his satisfaction.
- 2) On such release, the petitioners/Accused Nos.1 to 3 shall appear before the concerned Police for the purpose of investigation, as and when required.
- 3) The petitioners/accused Nos.1 to 3 shall abide by the other conditions stipulated in Section 438(2)

of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 06.12.2023  
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**K.SURENDER, J**

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**Dt.06.12.2023**

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