

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2067 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A2 under Sections 437 and 439 of Code of Criminal Procedure (for short “Cr.P.C”) for grant of regular bail in Crime No.716 of 2023 of PS Ramachandrapuram, Cyberabad, registered for the offence punishable under Section 313 r/w 109 of Indian Penal Code.

2. The case of the prosecution in brief was that on 06.12.2023 at 17.30 hours, the father of the victim girl lodged a report before the police stating that his daughter aged 22 years had fallen in love with their distant relative and moved intimately with him and later, the said person cheated her and got engaged to another girl, due to which, his daughter attempted to commit suicide by consuming some unknown tablets.

3. Basing on the said report, the above crime was registered for the offences under Sections 417 and 420 of IPC against accused No.1. Subsequently, on recording the statement of the victim woman, wherein, she stated that A1 made promise to marry her and believing his words, she moved closely with him to parks

and cinemas and also participated in sexual intercourse with him and when she became pregnant, he gave some tablets to get abortion and forcibly made her to swallow. When she became pregnant for the second time, he took her to his friend Sanjay (petitioner herein) who was an RMP doctor and the doctor after scanning gave tablets for abortion and A1 made her to swallow the tablets, resulting which, she got aborted again. Basing on such statement, A2 was arrested on 09.01.2024.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

5. The learned counsel for the petitioner submitted that A1 was granted bail by the Sessions Court on 31.01.2024. The material part of the investigation was completed. The bail application filed by the petitioner-A2 was dismissed by the Sessions Court on 12.02.2024 and prayed to enlarge the petitioner on bail.

6. The learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that A1 was in custody for a long time, due to which, he was granted bail, but the petitioner/A2 was in custody only for the past (48) days and prayed to dismiss the bail application of the petitioner.

7. Perused the record.

8. Considering that the statement of the victim woman would not disclose that the petitioner/A2 had administered tablets for abortion without her consent to attract the application of Section 313 of IPC to the petitioner and as he was in custody since 09.01.2024, it is considered a fit case to enlarge the petitioner on bail.

9. In the result, the Criminal Petition is allowed and the petitioner/A2 is directed to be released on bail on his executing a personal bond for Rs.25,000/- with two sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate, Prohibition and Excise Offences at Sangareddy. The petitioner/A2 shall comply with the conditions stipulated under Section 437(3) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition if any shall stand closed.

Date: 27th February, 2024
gvl/mmr

Dr. G.RADHA RANI, J