

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3227 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.13, seeking bail in Crime No.85 of 2025 of Saroornagar Police Station, Rachakonda Commissionerate, for the offences punishable under Sections 61 (2), 110, 143(1), 318(4) read with Sections 111, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 18(1), 19 and 19-A of The Transplantation of Human Organs and Tissues Act, 1994.

2. Heard Sri S.Sharath Kumar, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 21.01.2025 in the afternoon, on receipt of credible information that a Nephrology was being performed without any permission at Alakananda Hospital in Doctors' Colony, Saroornagar, the *de facto complainant* went there and on enquiry, she came to know that Alakananda Hospital Managing Director Dr.Sumanth

had started the said hospital seven months ago. There, one Mr.Lakshman met Dr.Avinash and said that two women from Tamilnadu viz., Nasreenbanu and Firdosh, who were in financial difficulty, were willing to donate their kidneys. On that Mr.Pradeep informed about the Rajasekhar and Butprabha @ Krupalatha from Karnataka, who needed a kidney and they met in Bangalore and agreed to give each of them Rs.55 lakhs. When Dr.Avinash informed Dr.Sumanth about this agreement, it was learnt that Dr.Sumanth had given permission to perform the surgery at his Alakananda Hospital. Kidney transplantation was performed on 17.01.2025 from Nasreenbanu and Firdosh at Alaknanda Hospital without knowing the same to anybody.

4. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged against him and he was falsely implicated in this crime. He further submitted that the ingredients of Sections 61 (2), 110, 143(1), 318(4) read with Sections 111, 3(5) of the BNS are not attracted to the petitioner.

5. He further submitted that the petitioner was arrested on 27.01.2025 and since then he is in judicial custody. He also submitted that in respect of accused Nos.7 and 10, this Court

already granted bail *vide* Criminal Petition No.2201 of 2025 and the entire investigation is completed except filing of charge sheet. Moreover, the petitioner is willing to cooperate with the investigation and abide by the conditions, which are going to be imposed by this Court. Therefore, he prays to release the petitioner on bail.

6. On the other hand, learned Additional Public Prosecutor opposed the bail stating that the petitioner in conspiracy with other accused conducted surgery without any permission knowing that the offences alleged are serious in nature. He further submitted that though 26 witnesses were examined, further investigation is required.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 27.01.2025 and since then he is in judicial custody. According to learned counsel for the petitioner, majority witnesses were already examined. The main allegations are attributed against the accused Nos.1 and 2 only. Considering the said facts and circumstances, this Court is inclined to grant regular bail to the petitioner on the following conditions;

- i) The petitioner/accused No.13 is enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the Special Judicial Magistrate of First Class (Excise), Ranga Reddy-V Addl. Judicial Magistrate of First Class-cum-V Addl. Junior Civil Judge, Ranga Reddy District at L.B.Nagar.
- ii) The petitioner/accused No.13 shall appear before the concerned S.H.O. at 11-00 A.M. on 5th of every month, commencing from April, 2025, for a period of three months or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) The petitioner/accused No.13 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C. (presently 482(2) of BNSS).

8. Accordingly, the Criminal Petition is allowed.

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

JUSTICE J.SREENIVAS RAO

Date: 12.03.2025
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