

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4695 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.1 in Crime No.85 of 2025 on the file of Saroornagar Police Station, Rachakonda, registered for the offences punishable under Sections 61(2), 110, 143(1) and 318(4) r/w 111 and 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Sections 18(1), 19 and 19A of the Transplantation of Human Organs and Tissues Act, 1994 (for short 'THOT Act').

2. The case of prosecution in brief is that on 25.01.2025, Police received a complaint from Dr.M.Geetha, wherein she stated that on 21.01.2025 in the afternoon, they received credible information that Alakananda Hospital situated at Doctors Colony, Saroornagar illegally conducting Nephrology surgery, they inspected the hospital premises and found that Dr.Sumanth had established the Alakananda Hospital, one Laxman contacted Dr.Avinash stating that two women from Tamilnadu were willing to give their kidneys due to financial difficulties and two other persons from Karnataka who required kidneys and they had entered into an oral agreement for a price of

Rs.55 lakhs for each kidney transplantation. Dr.Avinash informed Dr.Sumanth who gave permission for surgery on 17.01.2025 and illegally transplanted kidneys without permission. Basing on the same, Crime No.85 of 2025 was registered.

3. Heard Mr.C.B.Ram Mohan Reddy, learned Senior Counsel representing Mr.K.Rambabu, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned Senior Counsel for the petitioner submitted that petitioner has not committed any offence and he was falsely implicated in the above said crime and in the complaint, there are no specific allegations against the petitioner to attract Section 19 of THOT Act. He further submitted that the petitioner is General Surgeon and he has not conducted operation of kidney transplantation at any point of time and the entire allegations are levelled against accused Nos.2, 13 and 14 only. He further submitted that accused Nos.7 and 10 were also enlarged on bail, pursuant to the order passed by this Court in Crl.P.No.2201 of 2025 on 27.02.2025 and accused No.2 was also already enlarged on bail pursuant to the orders in Crl.M.P.No.627 of 2025 on 24.03.2025. He further submitted that the

petitioner is not having any criminal antecedents and entire investigation is completed, except filing of charge sheet. He further submitted that the petitioner is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor opposed the submissions made by the learned Senior Counsel for the petitioner and submitted that petitioner has committed grave offence and there are specific allegations against the petitioner/accused No.1, to attract the ingredients of Sections 61(2), 110, 143(1) and 318(4) r/w 111 and 3(5) of BNS and investigation is under progress and if the petitioner/accused No.1 is released on bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that basing upon the complaint lodged by the de-facto complainant, who is working as Deputy DMHO in District Medical and Health Office, Ranga Reddy, the present crime was registered. According to the learned Senior Counsel for the petitioner,

accused No.2 was already enlarged on bail pursuant to the orders in Crl.M.P.No.627 of 2025 on 24.03.2025 and accused Nos.7 and 10 were also enlarged on bail, pursuant to the order passed by this Court in Crl.P.No.2201 of 2025 on 27.02.2025. Even according to the learned Additional Public Prosecutor, 26 witnesses were examined and the petitioner is not having any other criminal antecedents.

7. Taking into consideration of the above said facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.1, subject to the following conditions:

- (i) The petitioner/accused No.1 shall be released on bail on executing a personal bond for a sum of Rs.1,00,000/-(Rupees one lakh only) with two sureties for a like sum each to the satisfaction of the Special Judicial Magistrate of First Class (Excise), Ranga Reddy District-V Additional Judicial Magistrate of First Class-cum-V Additional Junior Civil Judge, Ranga Reddy District, at L.B.Nagar.
- (ii) After release, the petitioner/accused No.1 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

- (iii) After release, if the petitioner/accused No.1 indulges in similar type of offence in future, the respondent-State is entitled to file application seeking cancellation of bail granted in his favour.
- (iv) The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS and shall cooperate with the investigation.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date:21.04.2025

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