

THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

CRIMINAL PETITION No.6524 OF 2025

O R D E R:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner-accused No.2, seeking bail in Crime No.77 of 2025 of Domalguda Police Station, Hyderabad, registered for the offences punishable under Sections 91, 94, 103 and 238 read with 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard learned counsel for the petitioner and Mr. E.Ganesh, learned Assistant Public Prosecutor appearing for respondent-State. Perused the record.

3. The petitioner herein is running a medical shop near Nalgonda bus stop. The allegation against the petitioner herein is that he sold abortion tablets i.e., Zitotec 200 mg tablets without Doctor's prescription to CCL-1 and CCL-2, in violation of the guidelines issued by the Medical Board, with an intent to prevent the child born alive or to cause to die after birth.

4. Learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in the case. However, the name of the petitioner herein was wrongly included in the present crime, basing on the confession of CCL-2. The petitioner never sold the alleged tablet to CCL-2 at any point of time, that too without verifying Doctor's prescription. The petitioner has not violated the guidelines issued by the Medical Board. He further submits that the petitioner is in judicial custody since 16.04.2025. Hence, he prayed to enlarge the petitioner on bail.

5. Learned Assistant Public Prosecutor opposed for grant of bail stating that specific allegations are levelled against the petitioner herein. The investigation is in progress and if the petitioner herein is enlarged on bail at this stage, he may tamper with the evidence and may threaten the witnesses. Hence, he prayed to dismiss the petition.

6. Having heard and perused the material on record, it is the case of the prosecution that CCL-1, being the minor was conceived. To prevent the child born alive or to cause

death of the fetus/infant, they have approached the petitioner herein, who is running a medical shop and purchased the medicine for abortion. The subsequent events pertain to CCL-1 and CCL-2. The role of the petitioner herein is limited to sell the medicine used for abortion. Considering the same, since the petitioner herein is languishing in jail since 16.04.2025 and all the material witnesses have already been examined, I hold that the petitioner herein can be enlarged on bail, subject to the following conditions:

- (i) The petitioner-accused No.2 shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the X Additional Chief Metropolitan Magistrate at Secunderabad. Upon furnishing such sureties, the same shall be verified by the learned Magistrate as to their genuineness and issue the release order accordingly.
- (ii) After release, the petitioner-accused No.2 shall appear before the concerned S.H.O. at 11.00 a.m. on first and third Sunday of every month 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.2 is indulges in any offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

(iv) The petitioner-accused No.2 shall abide by the other conditions stipulated in Section 480(3) of BNSS and shall co-operate with the investigation.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications pending, if any, shall stand closed.

Date: 14.05.2025
rev/lk

NANDIKONDA NARSING RAO, J

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Dt. 14.05.2025

Lk/rev