

THE HON'BLE SRI JUSTICE SREENIVAS RAO
CRIMINAL PETITION No.6554 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.3, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.158 of 2025 of Pocharam Police Station, Rachakonda, registered for the offences punishable under Sections 64(2)(f), 64(2)(m), 65(1), 88, 91, 115(1), 351(2) and 49 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS'), Sections 5 r/w 6, 16 r/w 17 and 19 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Section 77 of the Juvenile Justice Act, 2015 (for short 'JJ Act').

2. The case of prosecution in brief is that on 21.03.2025, the de-facto complainant filed a complaint, stating that a minor girl was undergoing an abortion at the petitioner's hospital in Thorur and that over six months ago, the victim was taken from her grandmother's house by her mother/A1, enrolled in 8th class in June 2024, but later withdrawn from school to care for her younger brother, Accused No.2, who had illegal contact with A1 and that for about 4 months A1 & A2 administered unknown intoxicant in cool drink and given to the victim girl to consume and thereafter A2 alleged to have committed rape on the victim girl and

when she denied the A2 bet her and also threatened to kill her and that recently the victim has missed her periods and she went to her grandmother's house where she started vomit and noticed that her grandmother alleged to be made calls to the A1 and thereafter A1 alleged to have taken the victim girl to the Amma Hospital on 21.03.2025, where some medicine was given to the victim girl and subsequently the victim girl alleged to have suffered with abdominal pain due to which the Hospital staff alleged to have treated victim in emergency ward and that subsequently the Medical Officers team along with the child protection unit Supervisor came to the Hospital on the same day and seized the Placenta and Fetus of the victim. Basing on the said complaint, the present crime is registered for the aforesaid offences.

3. Heard Mr.Vinod Kumar Deshpande, learned Senior Counsel representing Mr.S.S.Chalapathi Rao, 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 the petitioner has not committed any offence and he was falsely implicated in this case. Even according to the allegations made in the complaint, the mother of the victim given medicines to the victim and due to that

medicines, victim suffered with stomach pain and when victim came to hospital to save her life, petitioner along with other accused have given treatment to the victim and they have not violated the conditions of Medical Termination of Pregnancy Act, 1971 (for short 'MTP Act'). He further submitted that basing upon the complaint lodged by the Additional CDPO, Thorrur, Police registered Crime No.158 of 2025 on 27.03.2025. He further submitted that the District Medical and Health Officer, Mahabubabad District (DMHO) issued show cause notice on 22.03.2025 and the petitioner has submitted detailed explanation on 24.03.2025 to the said notice. He further submitted that the petitioner, along with accused No.4, approached this Court and filed CrI.P.Nos.4984 and 5399 of 2025 seeking anticipatory bail and this Court allowed CrI.P.No.5399 of 2025 in respect of accused No.4 and dismissed CrI.P.No.4984 of 2025 filed by the petitioner. He further submitted that the petitioner is anesthesia doctor and he is diligently discharging his duties and he is not having any other criminal antecedents. He further submitted that the District Medical and Health Officer, Mahabubabad, convened a meeting under the provisions of the MTP Act on 21.04.2025, and the petitioner received the report of the said meeting on 14.05.2025. In the said meeting, Dr. Jwalitha, Medical Officer at PHC, Thorrur, specifically stated that upon enquiry with the victim, she came to know that the victim's mother had given

unknown medication to her on the evening of 19.03.2025, and in the morning of 20.03.2025 and 21.03.2025. The District Medical and Health Officer, after recording the statements of a group of doctors, opined that the basic responsibility of doctors is to provide first aid to any patient who comes with a health emergency. Accordingly, the doctor at Amma Hospital had administered appropriate first aid to the victim. The contents of the said report clearly reveals that the petitioner has not committed any offence. He further submitted that the petitioner is ready and willing to cooperate with the investigation and will abide by the conditions, which are going to be imposed by this Court and hence, prayed for anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor submitted that the petitioner committed grave offence and the investigation is under progress. Therefore, if the petitioner is granted anticipatory bail, at this stage, there is every chance to influence the witnesses and to interfere with the investigation. 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 the petitioner, along with accused No.4, approached this Court and filed Crl.P.Nos.4984 and 5399 of 2025 seeking anticipatory bail and this Court

allowed CrI.P.No.5399 of 2025 in respect of accused No.4 and dismissed CrI.P.No.4984 of 2025 filed by the petitioner. Subsequent to dismissal of the CrI.P.No.4984 of 2025, the District Medical and Health Officer convened a meeting on 21.04.2025, exercising powers under the provisions of the MTP Act. In the said meeting, a group of doctors and officers appeared, and after recording their statements, the District Medical and Health Officer submitted a report. In the said report, it was specifically stated that Amma Hospital had provided first aid to the victim. Further, Dr. Jwalitha, Medical Officer at PHC, Thorur, who examined the victim, recorded that the victim informed her that her mother had given unknown medicines to her on various dates. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents.

7. Taking into consideration the said facts, this Court is inclined to grant anticipatory bail to the petitioner/accused No.3 subject to the following conditions.

1. The petitioner/accused No.3 shall surrender before the Station House Officer of Pocharam Police Station, Rachakonda, on or before 23.06.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.3 on bail on his executing a

personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties, for a like sum each.

2. After release, the petitioner/accused No.3 shall appear before the concerned SHO at 11.00 A.M. on every Sunday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.
 3. After release, the petitioner/accused No.3 shall not influence the witnesses or interfere with the investigation.
 4. The petitioner/accused No.3 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.
8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

J.SREENIVAS RAO, J

Date: 16.06.2025

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