

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.11038 of 2025

ORDER:

This Criminal Petition is filed before this Court to enlarge the petitioner-accused No.7 on bail in Crime No.108 of 2025 of Thungathurthy Police Station, Suryapet District, registered for the offences punishable under Sections 105 and 90 of BNS, Section 5(3) and 5(2) of the Medical Termination of Pregnancy Act and Section 23(3) of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994.

2 . The brief facts of the case are that, on 16.08.2025, the *de-facto* lodged a report with the Police stating that his pregnant wife experienced stomach pain on the evening of 15.08.2025 and was taken to Sai Balaji Hospital, Thungathurthy. Dr.Srinivas examined her, performed a scan, and informed them that the fetus was in a transverse position, requiring an abortion at a cost of Rs.25,000/-. After payment, she was taken into the operation theater at 19:00 hours. On 16.08.2025 at around 10:00 hours, he advised that she be immediately shifted to Khammam. Upon arrival, three hospitals refused to admit her. She was eventually admitted to Mamatha Hospital, where doctors declared her dead due to severe bleeding

caused by uterine rupture. It is alleged that Dr. Srinivas, an unqualified practitioner, negligently used prenatal diagnostic techniques, leading to the termination decision and ultimately her death, as such requested for necessary legal action. Based on the said complaint, a case was registered for the above mentioned offences.

3. Heard Sri S. Viplav Simha Reddy, learned counsel appearing for the petitioner as well as Sri Arun Kumar Doddla, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner was innocent and had been falsely implicated in the alleged offences and stated that Accused No.1 had been performing an abortion on Vijetha (the deceased) after observing that her medical condition was deteriorating, Accused No.1 had called the petitioner to the hospital and that relying on the words of Accused No.1, the petitioner visited the hospital and, upon arrival, found the deceased in a critical condition. He further submitted that the petitioner, in good faith, accompanied Accused No.1 in his vehicle along with the deceased to various hospitals in Khammam in an attempt to secure proper medical treatment and except for this act of assistance, there were no specific allegations against the

petitioner regarding the treatment of the deceased. He contended that the petitioner was not associated with Sai Balaji Hospital, where the abortion was performed and that the petitioner had been arrested on 20.08.2025 and that a substantial portion of the investigation had already been completed. Therefore, prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, contending that the allegations against the petitioner were grave in nature and as per the remand case diary, the petitioner had accompanied Accused No.1 and transported the deceased to various hospitals in Khammam, ultimately admitting her to Mamatha Hospital. He further submitted that the investigation was still ongoing, and releasing the petitioner on bail at this stage may lead to tampering with evidence or intimidation of witnesses and prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, it is evident that the petitioner has been in judicial custody since 20.08.2025. Considering the overall facts and circumstances of the case, including the nature of the allegations, the stage of

investigation, and the period of incarceration, this Court finds it appropriate to grant bail to the petitioner, subject to the following conditions:

- i. The petitioner shall execute 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 learned Judicial First Class Magistrate, Thungathurthy.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 11.09.2025
SS

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