

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13760 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.2 in Crime No.115 of 2025 before the Inavole Police Station, Warangal District.

2. The brief facts of the case are that the complainant, mother of a 16-year-old girl, lodged a report stating that accused No.1, who was known to their family, had been visiting their house frequently and had sexually assaulted her daughter several times since December 2024, resulting in pregnancy. It was further alleged that accused No.1 approached the Petitioner, arrayed as accused No.2, and obtained certain tablets from him to abort the pregnancy. The victim consumed the said tablets and suffered a miscarriage, following which she was shifted to hospitals at Wardhannapet and later CKM Hospital, Warangal, where the fetus was expelled.

3. Heard Sri M.S. Achyuth Bharathwaj, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated without any direct evidence, and that the sole basis for his involvement was the confession of accused No.1. He further submitted that the petitioner was not an RMP doctor, had no license to distribute medication, and that Section 89 of BNS was not applicable as there was no proof of intentional miscarriage without consent. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioner, stating that the allegations leveled against the petitioner are serious in nature. He further submitted that since the victim was a minor girl, and the Petitioner had allegedly provided medicine for abortion without informing the police, such conduct itself was sufficient to implicate the Petitioner for the offence punishable

under Section 89 of the BNS. Further, the investigation was not yet completed. At this stage, granting of pre-arrest bail to the petitioner does not arise. Therefore, he 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 appears that the petitioner had given medicine to the victim girl and attempted to terminate her pregnancy. Initially, no FIR was registered against the petitioner; however, based on the confessional statement of accused No.1, it was alleged that with the help of the petitioner, accused No.1 tried to abort the pregnancy of the victim using tablets. Further, the remand report indicates that accused No.1 had discussed with the petitioner regarding the termination of the victim's pregnancy, and that the petitioner, stated to be practicing as an RMP in the village, had given tablets for that purpose, which were handed over to the victim girl and consumed by her on the same day. However, there is no material on record to establish that the petitioner is, in fact, an RMP doctor. According to the petitioner, he is not an RMP doctor and has filed an identity card showing that he is the Ex-Sarpanch of

the village. Considering the facts and circumstances of the case, this Court deems it fit to grant pre-arrest bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Inavole Police Station, Hanumakonda District, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and

05:00 p.m., till the filing of the charge
sheet and thereafter, as and when
required

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand
closed.

K. SUJANA, J

Date: 14.11.2025
SAI

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