

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12412 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.3 in Crime No.99 of 2025 before the Central Crime Police Station, Hyderabad.

2. The brief facts of the case are that the de facto complainant lodged a complaint before the police of Gopalapuram and the same was registered Crime No.154 of 2025 on 03.08.2025 against the petitioner and other accused, for offences under Sections 61(2), 316(2), 318(4), and 111 of the BNS Act, 2023. The complainant alleged that he and his wife were induced by the accused to undergo surrogacy at Universal Srushti Fertility & Research Centre, Secunderabad, after being assured that all legal permissions would be obtained. He alleged that Rs.11 lakhs were collected from him under false pretences, no procedure was performed, and there was misrepresentation and cheating. The case was later

transferred to SIT CCS, Hyderabad, and renumbered as Crime No.99 of 2025.

3. Heard Sri C. Hari Preeth, 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. The learned counsel for the petitioner submitted that the petitioner, a government doctor working as an anesthetist at Gandhi Hospital, was falsely implicated based solely on the statements of co-accused and that no overt act or material evidence connected the petitioner to the alleged offences, except a bald allegation that he introduced himself as an anesthetist during the complainant's hospital visit. He contended that multiple FIRs had been registered on the same set of facts despite the petitioner having already been granted bail in earlier related cases, and that such repeated registration amounted to harassment and double jeopardy. 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 opposed the submissions made by the learned counsel for the petitioner stating that there are serious allegations against the petitioner and that the investigation was not yet completed. At this stage, granting of 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 on a perusal of the material available on record, it appears that the present crime was registered against the petitioner on 03.08.2025, while the petitioner was already in judicial custody in another case, i.e., Crime No.147 of 2025, since 27.07.2025. Though the present case was registered on 03.08.2025, the Investigating Officer has not filed any PT warrant to secure the custody of the petitioner in this case. It is also noted that the allegations in both the crimes relate to the same incident and arise out of the same set of facts, though filed by different de facto complainants. Considering that the petitioner was in judicial custody in the earlier crime till he was granted bail on 01.09.2025, and despite sufficient opportunity, the Investigating Officer did not

take any steps to interrogate or include him in the present case during that period, this Court finds that no purpose would be served by taking the petitioner into custody at this stage. Therefore, taking into account of 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, SIT, CCS Police Station, Hyderabad, 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: 08.10.2025
SAI

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