

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13354 of 2025

This Criminal Petition is filed Seeking the Court to enlarge the petitioner on bail, who is arrayed as accused No.15 in Crime No.94 of 2025 of Central Crime Station Police Station, at Hyderabad (Old Crime No.147 of 2025 of Gopalapuram Police Station, Hyderabad).

2. The brief facts of the case are that on 25.07.2025, the *de-facto* complainant lodged a report with the police stating that a grave incident of cheating, fraud, and criminal conspiracy orchestrated by Dr. Pachipali Namatha and her associates at Universal Srushti Fertility Centre, in Secunderabad and Visakhapatnam. After two miscarriages, the couple approached the clinic in August 2024 for IVF. Despite being medically fit, they were persuaded to opt for surrogacy, with assurances that their own gametes would be used and a healthy child delivered after DNA confirmation. They paid Rs.30,26,000/- between August 2024 and May 2025 through bank transfers, cheques, and cash. Gametes were collected in September 2024, and the clinic later claimed successful embryo implantation and pregnancy. Medical

reports were shared selectively, and originals were withheld. In June 2025, the clinic informed them of the delivery of the surrogate delivery and handed over a newborn at Lotus Hospital, Visakhapatnam, without prior DNA testing. Suspicious, the couple conducted independent DNA tests, which confirmed the child was not biologically related to them. When confronted, Dr.Namratha initially responded but later blocked communication and fled the premises. The complainant alleges deliberate misrepresentation, misuse or illegal disposal of gametes, and fabrication of the surrogacy process, amounting to fraud, breach of trust, and possible trafficking of reproductive material and requested for necessary legal action along with confidentiality of personal details. Based on the above report, the Police have registered a case under Crime No.94 of 2025 for the offences punishable under Sections 61, 316, 318, 335, 336, 340, 111, 143(1), 143(2), 93 and 98 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS'), Sections 38, 39, and 40 of the Surrogacy (Regulation) Act, 2021 and Sections 81 and 87 of the Juvenile Justice (Care And Protection Of Children) Act, 2015 (for short, 'JJ Act').

3. Heard Sri K. Devanath, learned counsel appearing on behalf of the petitioners as well as Sri Arun Kumar Doddla, learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner herein is a driver of the accused No.1 and there is no connection of the petitioner in the alleged illegal surrogacy procedures done by the accused No.1 and he is in jail from 04.08.2025 and till today, no charge sheet is filed and earlier, the bail petition was dismissed by this Court. Therefore, he 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 stating that the allegation leveled against the petitioner are serious in nature. Further, the investigation is not yet completed and till today, no charge sheet is filed. 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 is in jail from 04.08.2025

and till today, no charge sheet is filed by the Investigating Authority. Considering the facts and circumstances of the case, the nature of the allegations, the stage of investigation, and the duration of incarceration, this Court finds it appropriate to grant bail to the petitioner/accused No.15, subject to the following conditions.

- i. The petitioner/ accused No.15 shall execute a personal bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each, with two sureties for a like sum each to the satisfaction of the learned XII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad.
- ii. The petitioner/ accused No.15 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/ accused No.15 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: 03.11.2025
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