

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.13544 of 2025

ORDER:

Seeking the Court to enlarge the petitioner, who is arrayed as accused No.3 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), on bail, the present Criminal Petition is filed.

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 C. Raghu, learned Senior counsel representing Sri K. B. Ramanna Dora, learned counsel appearing for the petitioner as well as Sri Arun Kumar Doddla, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has no involvement whatsoever in the alleged offences and that the petitioner has been falsely implicated in the present case

based solely on the alleged confession statement of Accused No.1 recorded during police custody. He further submitted that the remand report contains vague allegations, merely stating that the petitioner, on the instructions of accused No.1, she used to receive the photos of random biological parents and modified scan reports via whatsapp, allegedly knowing that it was operating without proper registration. He contended that the petitioner joined the said hospital in the year 2015 and she is the Manager in Srushti Fertility Centre, at Vishakhapatnam branch. He further contended that the petitioner was arrested on 27.07.2025 and that the material part of the investigation has already been completed. He emphasized that none of the alleged offences are specifically attributable to the petitioner and that there are no direct or substantive allegations against her. 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, contending that the investigation is at an initial stage and that there are numerous victims who have suffered at the hands of Accused No.1, who has allegedly been involved in several offences since the year 2013. He submitted that, based on the confession statements of Accused Nos.1, 2, 4, 6, 9, and 10, offences have indeed been committed, and the role of the petitioner is under scrutiny. He further submitted that the investigation is in progress and if the

petitioner is released on bail, at this stage, she may tamper with the evidence and may threaten the witnesses. Therefore, he prayed the Court to dismiss the criminal petition.

6. In light of the submissions made by both the learned counsel and upon perusal of the material available on record, it is observed that the allegation against the petitioner, as per the Investigating Officer, is that the petitioner had joined Accused No.1 in the commission of the alleged offences and was aware of the illegal activities being carried out and that she is equally liable along with Accused No.1. However, according to the petitioner, she joined the said hospital in the year 2015 and she is the Manager in Srushti Fertility Centre, at Vishakhapatnam branch and on the instructions of accused No.1, she used to receive the photos of random biological parents and modified scan reports via whatsapp and has been in judicial custody since 27.07.2025 and considering that the material part of the investigation has been completed, including the examination of 28 witnesses, and taking into account the overall facts and circumstances of the case, this Court deems it fit 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 only), with two sureties for a like sum each to the satisfaction of the learned XII

Additional Chief Metropolitan Magistrate, at
City Criminal Courts, at Nampally.

- ii. The petitioner shall appear before the concerned SHO at 11:00 A.M., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
 - iii. The petitioner shall abide by the conditions stipulated in Section 483(3) of BNSS.
 - iv. The petitioner shall surrender her passport before the concerned trial Court, if any, and shall not leave the jurisdiction of the Court without prior permission.
7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 03.11.2025
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K. SUJANA, J

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