IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

CRIMINAL PETITION No.18258, 18260, 18263 of 2026

CNR No. HBHC010764912026

Reserved on: 20.11.2026 **Pronouncement on: 23.11.2026**
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DATE 23.11.2026

Between:

Dr.Padmaja Pala

...Petitioner

AND

The State of Telangana ***...Respondent***

COMMON ORDER :

Criminal Petition No.18258 of 2026 is filed by the petitioner seeking anticipatory bail in Crime No.763 of 2026 of P.S.Begumpet on the file of the XI Addl. Chief Judicial Magistrate, at Secunderabad, registered under Section 125, 143(2), 143(3), 271, 272, 318(4), 61(2) and 111 of the Bharatiya Nyaya Sanhita, 2023 and Sections 33(2) and 34 of the Assisted Reproductive Technology (Regulation) Act, 2021.

2. Criminal Petition No.18260 of 2026 is filed by the petitioner seeking anticipatory bail in Crime No.1145 of 2026 of P.S.Saroornagar on the file of the Special Judicial Magistrate of First Class (Excise) – Cum – V Addl. Junior Civil

Judge-cum-V Addl.Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, registered under Section 125, 143(2), 143(3), 271, 272, 318(4), 61(2) and 111 of the Bharatiya Nyaya Sanhita, 2023 and Sections 34 and 32(2) of the Assisted Reproductive Technology (Regulation) Act, 2021.

3. Criminal Petition No.18268 of 2026 is filed by the petitioner/un-named accused, seeking anticipatory bail in Crime No.1146 of 2026 pf P.S.Saroornagar on the file of the Special Judicial Magistrate of First Class (Excise) – Cum – V Addl. Junior Civil Judge-cum-V Addl.Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, registered under Section 125, 143(2), 143(3), 271, 272, 318(4), 61(2) and 111 of the Bharatiya Nyaya Sanhita, 2023 and Sections 34 and 32(2) of the Assisted Reproductive Technology (Regulation) Act, 2021.

4. Since the petitioner is one and the same and the offence in all the criminal petition is also one and the same, all the three criminal petitions being heard together and order by way of this common order. For the sake of convenience, Criminal Petition No.18258 of 2026 is taking as lead case.

5. Heard ***Sri Hemendranath Reddy,*** learned Senior counsel representing learned counsel for the petitioner on record. ***Sri Palle Nageshwar Rao, learned Public Prosecutor and Sri Syed Yasoor Mamoon,*** learned Additional Public Prosecutor for respondent.

6. **Brief facts of the case:**. The Petitioner, Dr. Padmaja Palla, aged about 61 years, is a qualified gynaecologist and fertility specialist, holding an MBBS degree and a Diploma in Obstetrics and Gynaecology, with over 30 years of professional experience and more than 5,000 successful deliveries. She established Dr. Padmaja Fertility Centre at Bhongir in 1996 and its branch at Habsiguda in 2010. She has an unblemished professional record and no criminal antecedents.

7. The Petitioner's establishment, Dr. Padmaja Fertility Centre and Nursing Home, is duly registered as a Level-II Assisted Reproductive Technology (ART) Clinic under Section 16(1) of the Assisted Reproductive Technology (Regulation) Act, 2021 (for short, 'the ART Act'), bearing Registration No. TS/AC/2022/10265/L2/HYDERABAD/087, valid from

28.01.2023 to 27.01.2028. It is also separately registered as an ART Bank under Registration No. TS/AB/2022/10139/AB/HYDERABAD/152, valid from 28.04.2023 to 27.04.2028.

8. The present anticipatory bail petition arises out of Crime No.763 of 2026, registered on 30.10.2026 by Begumpet Police Station, alleging unauthorised procurement of oocyte donors, exploitation of women, payment for oocyte donation and administration of hormonal injections without proper medical supervision.

9. The FIR was registered pursuant to a joint inspection conducted on 30.10.2026 at H.No.1-8-506/55/A/1, Nazran Apartments, Prakash Nagar Extension, Begumpet, Hyderabad, which was functioning as 'Ami Nita Girls Hostel', managed by Amith Sharma and Nikhat Sharma. The police, along with officials of the District Medical and Health Department and a Drug Inspector, conducted the inspection in the presence of two mediators.

10. During the inspection, approximately 13 women were found accommodated at the hostel, of whom 12 women

belonging to different States, including West Bengal, Uttar Pradesh, Bihar, Maharashtra and Chhattisgarh, were examined. Some of them allegedly stated that A-1, Amith Sharma, had approached them as a broker, offering approximately Rs.50,000/- per oocyte donation cycle, and brought them to Hyderabad for the proposed procedures at certain fertility centres, including Padmaja Fertility Centre, Narmada Fertility Centre and Oasis Fertility Centre.

11. The inspection team allegedly found hormonal injections, tablets, medicines, medical documents and other medical-related materials at the hostel. No qualified medical practitioner or evidence of authorised medical supervision was found at the premises at that time. The police seized four vials of Humog HP 150 I.U. (Menotrophin) injections, other medicines and medical materials, along with photocopies of Aadhaar cards and ART/IVF-related documents. The seizure panchanama commenced at 1:40 p.m. and concluded at 6:00 p.m. on 30.10.2026.

12. Based on the said panchanama, Crime No.763 of 2026 was registered for the offences punishable under Sections

125, 143(2), 143(3), 271, 272, 318(4), 61(2) and 111 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS'), and Sections 33(2) and 34 of the ART Act. Aggrieved by the same, the present anticipatory bail petition is filed.

13. The petitioner submits that the ART Act regulates ART Clinics and ART Banks and provides for registration, supervision and monitoring of their activities. Section 2(1)(g) defines 'gamete' to include sperm and oocyte, while Section 2(1)(h) defines 'gamete donor' as a person who provides sperm or oocyte to enable an infertile couple or woman to have a child.

14. The Petitioner submits that, even assuming without admitting that the allegations in the FIR, seizure panchanama and remand case diary are accepted at face value, the allegations substantially relate to the alleged contraventions covered by Section 33(1) of the ART Act. As per Section 33(2), the first contravention of Section 33(1)(a) to (g) attracts only a fine ranging from Rs.5 lakh to Rs.10 lakh, whereas imprisonment for a term of three to eight years, along with the prescribed fine, is attracted only in the case of

subsequent contraventions. Section 34 provides for the corresponding punishment in respect of contraventions of other provisions of the Act or Rules for which no specific penalty has been prescribed. Further, Section 36 expressly declares offences under the ART Act to be cognizable and bailable. The Petitioner, therefore, submits that the offences under the ART Act, particularly in the absence of any allegation or material establishing a previous contravention by her, do not furnish a legal basis for her arrest.

15. Learned counsel for the petitioner further contended that FIR is Suspect and the allegations are yet to be independently verified and contends that the FIR in Crime No.763 of 2026 is based primarily on the seizure panchanama dated 30.10.2026. Though the panchanama refers to a written complaint/intimation allegedly given by Jahangeer Khan, S/o Amanullah Khan, the said complaint has not been placed on record. Consequently, the identity, contents and nature of the alleged complaint have not been independently established.

16. The panchanama records that the joint inspection was conducted on 30.10.2026 at about 1:40 p.m. at the premises bearing H.No.1-8-506/55/A/1, Nazran Apartments, Prakash Nagar Extension, Begumpet, Hyderabad, by the Inspector of Police, Begumpet, along with police personnel, officials of the District Medical and Health Department, medical officers, gynaecologists and a Drug Inspector, in the presence of two mediators.

17. The premises were found to be functioning as 'Ami Nita Girls Hostel', managed by Amith Sharma and Nikhat Sharma, comprising five portions and accommodating approximately 13 women. It was stated that the hostel had been registered with the Labour Department on 21.08.2026, though the relevant particulars were required to be verified. During the inspection, 12 women belonging to different States, including West Bengal, Uttar Pradesh, Bihar, Maharashtra and Chhattisgarh, were examined. Some of them allegedly stated that A-1, Amith Sharma, had approached them as a broker, taking advantage of their financial difficulties, and offered approximately Rs.50,000/- for each oocyte donation cycle. Believing his assurances, they were brought to Hyderabad

and accommodated at the hostel for the proposed procedures.

18. The women allegedly stated that they were intended to undergo oocyte-donation-related procedures at the following fertility centres:

a. Padmaja Fertility Centre;

b. Narmada Fertility Centre; and

c. Oasis Fertility Centre, Banjara Hills.

19. The panchanama further records that hormonal injections and medicines were allegedly being administered to the women in connection with the proposed procedures. The officials noticed hormonal injections, tablets, medicines, medical-related materials and medical waste, including used medicine strips and vials, at the hostel. No qualified medical practitioner or evidence of authorised medical supervision was found at the premises at the time of inspection. It was also indicated that the DM&HO had not granted permission for conducting medical-related activities at the said premises.

20. The police seized four vials of Humog HP 150 I.U. (Menotrophin) injections, other injections, tablets and

medicines, along with photocopies of Aadhaar cards and certain ART/IVF-related documents. The seized medicines included Humog HP injections manufactured by Bharat Serums and Vaccines Ltd., Primolut tablets manufactured by Zydus and Meprate tablets manufactured by Serum Institute of India. Their particulars, including batch numbers and expiry dates, were recorded in the seizure inventory. The Aadhaar photocopies were collected for verification, without any conclusion being drawn regarding their genuineness.

21. The petitioner submits that the panchanama itself records that the alleged role of the broker and the involvement, if any, of the named fertility centres required independent verification through medical records, statements and other evidence. It also records that whether any oocyte retrieval procedure was actually conducted at the hostel or at any other medical establishment required further investigation. Thus, the allegations were only at a preliminary stage and had not been established against the Petitioner.

22. The Petitioner further contends that the Begumpet panchanama dated 30.10.2026, recorded at 1:40 p.m., and

the Saroornagar panchanamas in Crime Nos.1145 of 2026 and 1146 of 2026, recorded at 5:00 p.m. on 30.10.2026 and 9:00 a.m. on 31.10.2026 respectively, contain substantially identical language, findings and observations, despite relating to different premises, police stations and sets of women.

23. The Saroornagar panchanama relates to 'Shetty Working Women's Hostel', managed by Durga Prasad, where 15 women belonging to different States were accommodated in two portions of the ground floor. Some women allegedly stated that Durga Prasad had offered them Rs.20,000/- to Rs.30,000/- per oocyte donation cycle and brought them to Hyderabad.

24. The women were allegedly intended to undergo procedures at Oasis Fertility Centre, Padmaja Fertility Centre, Habsiguda, and Fertilica Fertility, Banjara Hills. The panchanama also records allegations of administration of hormonal injections and medicines, absence of qualified medical practitioners or authorised medical supervision at the hostel and improper disposal of biomedical waste.

25. The Petitioner submits that the use of substantially identical descriptions and observations in panchanamas prepared by two different police stations, at different premises and times, is inexplicable and indicates that a common template was used in recording the proceedings. This, according to the Petitioner, casts serious doubt on the independent nature and reliability of the inspections and the conclusions drawn therefrom.

26. The Petitioner submits that she has extended full cooperation to the investigating authorities. Pursuant to the notice dated 05.11.2026 issued by the Assistant Commissioner of Police, LB Nagar Division, under Sections 94 and 179 of the BNSS, in connection with Crime No.1145 of 2026 of Saroornagar Police Station, the Petitioner promptly furnished the requested list of oocyte donors for the period from 01.01.2026 to 30.06.2026 through WhatsApp and informed the investigating officer that the relevant documents relating to each donor were being compiled and subsequently furnished scanned copies of the donor documents in PDF/ZIP format. She also clarified the particulars of the facilitators/ART Banks through which the oocytes were

supplied. Thus, the Petitioner voluntarily furnished the donor particulars and supporting documents and has not evaded the investigation and reply to the Show-Cause Notice dated 02.11.2026

27. The Petitioner submits that, following the inspection conducted on 31.10.2026, the District Medical and Health Officer, Medchal-Malkajgiri District, issued a show-cause notice dated 02.11.2026, pointing out certain alleged deficiencies in the maintenance of statutory records and regulatory compliance, including the absence of key medical personnel, non-availability of donor records, non-maintenance of an embryo discard register and inability to establish the linkage between donors and intending couples.

28. The Centre submitted a detailed reply dated 06.11.2026, explaining the alleged deficiencies and denying any deliberate violation or concealment. Its explanations were as follows:

> *a.* ***Absence of key medical personnel:*** *The Petitioner was away from the Centre on 30.10.2026 and 31.10.2026 as she was cooperating with the police investigation. Dr. M. Soundaram and Dr. Gorantla*

Tejaswini were off duty, Dr. V. Jhansi Lakshmi was on sabbatical and Dr. Shalini was no longer working at the Centre. Other doctors and staff were present, and the Centre offered to make the concerned personnel available on one day's notice.

b. ***Particulars of D. Naresh Kumar:*** *He was attending to work connected with the Centre. His particulars were not available in the Department's records due to an inadvertent omission. The Centre offered to furnish his designation, qualifications and nature of duties and comply with the applicable intimation requirements.*

c. ***Oocyte donor records:*** *The Centre maintained complete and updated donor records along with the corresponding records of intending couples. Due to the sudden inspection and the Petitioner's absence, all records could not be immediately located and produced. The Centre maintained the records in its capacity as a registered ART Bank under Rule 13(2) of the ART Rules, 2022, and regularly uploaded treatment-cycle data to the National Registry under Sections 21(j) and 23(b) of the ART Act.*

d. ***Embryo discard register:*** *The Centre explained that it was under the bona fide belief that a separate embryo discard register was not specifically prescribed under the Act or Rules. However, particulars of discarded embryos were maintained in the embryo-related records, and the*

Centre expressed its willingness to maintain a separate register if directed by the Appropriate Authority.

e. ***Donor particulars in billing software:*** *The billing software did not provide a facility for entering donor-related particulars. Further, Section 21(e) of the ART Act requires confidentiality of donor information, subject to statutory exceptions. Accordingly, donor particulars were maintained separately and securely rather than being included in general billing records. The Centre offered to strengthen its record-management system to facilitate cross-verification while preserving confidentiality.*

f. ***Ovum pick-up and embryo transfer registers:*** *The Centre had recently transitioned from manual record-keeping to a software-based system. Though the registers produced during inspection contained entries from 21.04.2026 and 24.06.2026 onwards respectively, the Centre maintained earlier records as well and offered to produce the original case sheets, registers, consent forms and supporting documents for verification.*

g. ***Certificates of medical indication:*** *The Centre submitted that the requisite certificates of medical indication issued by the District Medical Board, along with orders of parentage and custody, certificates of essentiality and other necessary documents, were maintained in every surrogacy case and could be produced for verification.*

29. The Centre further explained that the linkage between oocyte donors, intending couples and ART procedures was maintained in its records, but donor identities were not disclosed in general billing records in view of the confidentiality requirements under Section 21(e) of the ART Act. It denied any deliberate intention to conceal donor particulars, suppress patient information, undertake unauthorised activities or obstruct the inspection.

30. The Centre also submitted that certain records had been seized during the police investigation on 30.10.2026 and 31.10.2026, thereby reserving its right to furnish a further explanation after those records were made available. It sought additional time to produce the relevant documents, requested an opportunity for verification and prayed that the show-cause proceedings be dropped and its registration not be suspended or cancelled.

31. The Petitioner further submits that the Appropriate Authority issued another show-cause notice dated 09.11.2026, bearing Rc.No.SCN/03/SAA/27/ART/2026, to M/s. Padmaja Fertility Centre under Section 20 of the ART

Act, based on the inspection conducted on 30.10.2026 and FIR No.763 of 2026. The notice alleged the following violations:

> *a. Procurement of oocyte donors through intermediaries by monetary inducement, amounting to exploitation of donors and commercial dealing in gametes, contrary to Section 33 of the ART Act.*
>
> *b. Sourcing of donors otherwise than through a registered ART Bank and without the prescribed screening and eligibility requirements under Section 21.*
>
> *c. Administration of ovarian stimulation drugs outside the registered facility and without medical supervision, contrary to Section 21 and the Rules.*
>
> *d. Deficient informed consent and maintenance of records, as blank ART/IVF declaration forms were allegedly found at the hostel, in violation of Sections 22 and 23 of the ART Act.*

32. The notice called upon the Centre to submit its explanation within three days, along with its registration certificates, oocyte donor register, consent forms, ART Bank agreements and records relating to the women named in the FIR, and to show cause why its registration should not be suspended or cancelled under Section 20 of the ART Act. It

also directed the preservation of all relevant records pending enquiry. In its reply dated 10.11.2026, the Centre denied all the allegations and submitted that it had always functioned in accordance with law and was willing to cooperate with the authorities. Its point-wise explanation was as follows:

33. The Centre denied having any contact with brokers, agents or intermediaries or procuring donors through them. It stated that donors are considered only when they independently approach the Centre, after verification of their documents, medical fitness and eligibility. It further denied offering any remuneration, consideration or monetary inducement to donors.

34. The Centre stated that it has its own duly registered ART Bank functioning under the same roof, with separate registrations for the ART Clinic and ART Bank. It maintained that donors are sourced exclusively through its registered ART Bank and not through any other ART Bank, broker or intermediary.

35. The Centre denied ever requesting, advising, suggesting or permitting any patient, donor or third party to administer

ovarian stimulation drugs or undergo treatment outside its registered premises or without medical supervision. It further stated that the medicines and injections found at the hostel could not be attributed to the Centre, as it had neither supplied them to the hostel nor to any intermediary, and maintained proper control and records of the medical materials used by it. The Centre submitted that ART/IVF declaration and consent forms are prescribed under the Rules and are publicly available for anyone to download and print. Therefore, the mere recovery of blank forms from the hostel would not establish any connection with the Centre. It denied supplying such forms to any agent or third party or authorising their use outside its premises.

36. The Centre reiterated its willingness to cooperate with the Appropriate Authority and requested that its explanation be taken on record and all further proceedings pursuant to the show-cause notice be dropped insofar as the Centre was concerned.

37. Per contra, learned Public Prosecutor alleges that, during the joint inspection on 30.10.2026, approximately 13

women belonging to different States were found accommodated at a working women's hostel for proposed oocyte-donation procedures. It is further alleged that A-1 Amit Sharma had entered into oral arrangements with persons associated with ART Banks and fertility centres for procuring donors at approximately Rs.90,000/- to Rs.1,00,000/- per donor, out of which approximately Rs.50,000/- was paid to each woman and the balance was retained or distributed towards commission and other expenses.

38. Learned Public Prosecutor states that there are 14 accused in the case, including the Petitioner, who is sought to be arrayed as "***A-14***". A-1 to A-8 were arrested on 31.10.2026 and A-13 on 09.11.2026, while A-9 to A-12 were stated to be absconding. The Investigating Officer sought police custody of A-1 to A-8 in Crl.M.P.No.1752 of 2026, which was allowed by the XI Additional Chief Judicial Magistrate, Secunderabad, on 06.11.2026, granting five days' police custody from 11.11.2026.

39. Learned Public Prosecutor submits that the Investigation Officer relies upon the alleged confessions of A-2 and A-7 to contend that approximately Rs.1,03,000/- was transferred by the Petitioner to A-2 through PhonePe and that A-2 had contacted her over telephone. On this basis, the police array the Petitioner as A-14.

40. In reply to the allegation levelled by the learned Public Prosecutor, learned counsel for the petitioner has filed reply in which they states that the issuance of show-cause notices and the pendency of regulatory proceedings cannot, by themselves, establish criminal culpability or justify her arrest. The Centre has furnished detailed explanations to the alleged deficiencies and denied the allegations of unauthorised procurement, monetary inducement and administration of medicines outside its registered premises.

41. The Petitioner contends that the allegations against her are based primarily on the statements of the alleged victims and the alleged confessional statements of co-accused A-2 and A-7 recorded while in police custody. Such statements, particularly the alleged police confessions, are inadmissible

against the Petitioner, and the counter-affidavit does not disclose any independent and reliable material establishing her involvement in the alleged offences.

42. However, the Petitioner disputes the alleged transactions and submits that the material relied upon does not establish any connection between the alleged payments or telephone calls and the offences in question. The Petitioner further submits that the statements of the alleged victims, including L.Ws.1 to 31, principally attribute the procurement of women and the offering of monetary compensation to A-2 and A-7. Some statements refer to previous oocyte donations and alleged attempts to conceal the donors' previous donation history by altering their personal particulars. However, such allegations do not, by themselves, establish the Petitioner's personal involvement or knowledge.

43. In particular, L.W.19, Radha Paswan, allegedly stated that she had undergone an earlier oocyte donation procedure at Padmaja Fertility Hospital, Habsiguda, in 2024, through A-3 Reshma Khatoon, for which she received Rs.60,000/-. She further alleged that A-3 subsequently offered her another

Rs.60,000/- while assuring her that her personal particulars would be changed. The Petitioner submits that these allegations are specifically attributed to A-3 and do not establish any involvement or knowledge on her part.

44. The Petitioner also relies upon the statement of Neha Kumari, aged 21 years, who stated that she came to Hyderabad on 22.10.2026 after being informed by an acquaintance, Mamatha, about the opportunity to donate eggs. She allegedly stated that A-1 offered her Rs.35,000/-, arranged her accommodation and collected her Aadhaar card. She further alleged that persons involved in the arrangement prepared a false marriage certificate, birth certificate and other documents in her name and instructed her to falsely state that she was married and had children. The Petitioner submits that the said statement attributes these acts generally to the persons involved in the arrangement and does not specifically establish her participation.

45. The Petitioner further submits that the remand case diary itself records that a mere reference to a particular

establishment does not establish its involvement in the alleged offences. It is also contended that one of the co-accused is alleged to have named more than 100 centres, whereas the Petitioner is the only doctor sought to be arrayed as an accused, without any specific material demonstrating her participation in the alleged illegal activities.

46. With regard to the alleged transfer of Rs.1,03,000/-, the Petitioner submits that the counter-affidavit does not contain the corresponding PhonePe transaction records or call-data material establishing the alleged transactions and communications. The statement relied upon allegedly reflects only transactions of Rs.13,000/- in the name of 'Saraboju' and Rs.5,000/- in the name of 'Sindhu', which are yet to be verified, besides Rs.85,000/- relating to Jatta Fertility.

47. The Petitioner further relies upon screenshots filed in the connected Criminal Petition No.18260 of 2026, which allegedly show payments only from one Saraboju Venu, a person unconnected with the Petitioner or her Centre. It is further contended that payments from Saraboju Venu continued even after Saraboju Sindhu, a former employee,

resigned on 27.04.2026, and therefore cannot be attributed to the Petitioner or her Centre. The call-data records allegedly contain only two entries referring to the Centre's telephone numbers, which are publicly available on Google Maps, the internet and the Centre's letterhead. Mere telephone calls, without supporting material establishing the nature or purpose of the communications, cannot establish criminal involvement.

48. The Petitioner, therefore, submits that the material relied upon by the Respondent consists primarily of allegations against the brokers and other accused, without any specific or independent evidence demonstrating that she participated in the alleged procurement of donors, offered monetary inducements, administered medicines at the hostel or entered into any unlawful arrangement with the co-accused.

49. The Petitioner relies upon ***Arvind Kejriwal v. Central Bureau of Investigation*****, 2024 SCC OnLine SC 2550,** particularly the observations that the existence of the power to arrest is distinct from the necessity to arrest, that an

accused cannot be compelled to answer questions in a manner desired by the investigating agency and that bail is the rule while jail is the exception.

50. The Petitioner submits that she is a 61-year-old woman doctor with over 30 years of professional experience, valid registrations under the ART Act and no criminal antecedents. She has already furnished the donor list and supporting documents to the investigating authorities and has also submitted detailed explanations to the Appropriate Authority in response to the show-cause notices.

51. The Petitioner further submits that the allegations against her are disputed and require verification of documentary and electronic records. Her custodial interrogation is not warranted when the relevant records can be obtained and verified through the investigating agency and she is willing to cooperate with the investigation.

52. The Petitioner also relies upon ***Sudha Hospitals v. Director of Medical and Rural Health Services*, 2022 SCC OnLine Mad 10300,** wherein the suspension of the hospital's registration was set aside as the impugned orders were based

on bald allegations, without recording specific instances of violations and without affording a reasonable opportunity of hearing. The Petitioner relies upon the said judgment to contend that serious regulatory consequences cannot be founded merely on general or unsubstantiated allegations without proper consideration of the explanation and supporting material.

53. The Petitioner undertakes to fully cooperate with the investigating agency, furnish all documents and records required for the investigation, remain available whenever required and comply with any conditions that this Hon'ble Court may impose while granting anticipatory bail.

54. The Petitioner submits that she is willing to participate in the investigation and make herself available for examination whenever called upon in accordance with law. She further undertakes not to tamper with the evidence or influence any witnesses.

55. In view of her professional background, absence of criminal antecedents, valid statutory registrations, cooperation with the investigating authorities, the absence of

specific and independent material establishing her involvement and the nature of the offences alleged, the Petitioner submits that she is entitled to the relief of anticipatory bail.

56. In the above circumstances, it is respectfully submitted that this Hon'ble Court may be pleased to grant anticipatory bail to the Petitioner in connection with Crime No.763 of 2026 of Begumpet Police Station, on such terms and conditions as this Hon'ble Court may deem fit and proper in the interests of justice.

COURT OBSERVATIONS BY TAKING EACH AND EVERY POINT ARGUED BY THE LEARNED COUNSELS ON EITHER SIDE.

57. Learned Senior counsel appearing for the petitioner contended that, even assuming, for the sake of argument, that certain irregularities or offences had been committed by the petitioner, the entire issue would be governed by the provisions of the Assisted Reproductive Technology (Regulation) Act, 2021 (hereinafter referred to as "the ART Act"), which provides for an independent mechanism to

address such irregularities or illegalities committed in the course of conducting procedures under the said Act. He submitted that the Act specifically provides for taking cognizance of violations and for initiating appropriate proceedings against clinics and banks in respect of any illegalities committed in relation to the collection, storage and preservation of oocytes, eggs, sperm and other gametes.

58. In support of his contentions, he referred to the relevant definitions and provisions of the ART Act, which are extracted hereunder:

> ***Section 27(4) of the ART*** *Act provides that an oocyte donor can donate oocytes only once in her lifetime and that not more than seven oocytes can be retrieved from her.*
>
> ***Section 33(1)(b), (d) and (g) of the ART*** *prohibits the sale or trading of human gametes, exploitation of gamete donors and the use of intermediaries for obtaining gamete donors.*
>
> ***Under Section 33(2) of the ART,*** *the first contravention of Section 33(1)(a) to (g) attracts only a fine ranging from Rs.5 lakh to Rs.10 lakh, whereas imprisonment for a term of three to eight years, along with the prescribed fine, is attracted only in the case of subsequent contraventions.*
>
> ***Section 34 of the ART*** *provides for the corresponding punishment in respect of contraventions of other provisions of the Act or*

Rules for which no specific penalty has been prescribed.

Section 35 of the ART

(1)No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the National Board or the State Board or by an officer authorised by it.

(2)No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Section 36 of the ART

Expressly declares offences under the ART Act to be cognizable and bailable. Therefore, submits that the offences under the ART Act, particularly in the absence of any allegation or material establishing a previous contravention by her, do not furnish a legal basis for her arrest.

Section 41 of the ART - Protection of action taken in good faith.

No suit, prosecution or other legal proceeding shall lie against the Central Government or the State Government or the National Board or the National Registry or the State Board or the appropriate authority or any other officer authorised by the Central Government or the State Government or the National Board or the National Registry or the State Board or the appropriate authority for anything which is done in good faith or intended to be done in pursuance of the provisions of this Act or the rules or regulations made thereunder.

59. It is further contended by the learned counsel for the petitioner that, once a special enactment has been brought

into force to deal with matters of this nature, the question of invoking the provisions of the Bharatiya Nyaya Sanhita (BNS) does not arise, particularly when the special enactment itself provides a specific mechanism for dealing with such violations. He submitted that no Court can take cognizance of any offence under the ART Act except upon a complaint made by the competent authority duly authorised under the said enactment. He further contended that the police have no independent role in investigating or initiating proceedings in respect of violations governed by the ART Act.

60. The learned Senior counsel appearing for the petitioner placed reliance upon a judgment of the Hon'ble Supreme Court, wherein the distinction between offences governed by a special enactment and those falling under the general penal law was considered. He submitted that, where a special enactment provides a specific mechanism for taking cognizance of offences and for conducting investigations and initiating prosecutions in respect of violations thereunder, the procedure prescribed under the special enactment alone has to be followed. Consequently, the police cannot independently investigate such offences or initiate proceedings except in

accordance with the procedure contemplated under the special enactment, including upon a complaint by the authorised authority, wherever such a complaint is statutorily mandated.

61. The learned Senior counsel further referred to the relevant paragraphs of the judgment relied upon by him and contended that the entire process of investigation, search, seizure and punishment in respect of the alleged violations committed by the petitioner is specifically provided for under the ART Act. Therefore, the respondents-police cannot independently assume jurisdiction over matters which are exclusively dealt with under the said enactment.

62. He further submitted that the concerned District Medical and Health Officer (DMHO), being the competent authority, and the State Board constituted under the provisions of the ART Act, comprising various officials, including medical professionals and the Law Secretary, are the authorities empowered to initiate appropriate proceedings in respect of such violations. In the present case, the competent authority has already initiated proceedings and

issued a notice in respect of the alleged violations. Therefore, once the statutory authority has initiated proceedings in accordance with the ART Act, the question of the police independently taking cognizance of the same allegations does not arise.

63. The learned Senior counsel also pointed out that the allegations against the petitioner relate to offences punishable under Section 143 of the BNS and that all the offences alleged against them are bailable, except the offence under Section 143(5), which relates to human trafficking.

64. In this regard, he referred to the definition of human trafficking and the expression "exploitation" occurring therein. He contended that exploitation cannot be construed to mean merely physical exploitation in the form of bonded labour or similar activities. According to him, the present case does not involve any such exploitation, and the collection of gametes or oocytes from women who voluntarily come forward to donate the same cannot, by itself, be construed as an act of exploitation.

65. Per contra, the learned Public Prosecutor contended that the acts alleged against the petitioner do constitute exploitation, particularly physical exploitation of the victims. He submitted that there are specific allegations against the petitioner regarding the manner in which the women were procured, subjected to medical procedures and made to undergo the process of oocyte donation.

66. Even assuming that the petitioner is legally entitled to establish and operate Assisted Reproductive Technology (ART) clinics and banks in accordance with the provisions of the ART Act, any deviation from the statutory requirements or any illegal activities committed in the course of such operations would certainly attract the consequences contemplated under the applicable law. The mere fact that the ART Act provides a separate mechanism for dealing with violations thereunder cannot, by itself, absolve the petitioner of criminal liability if the allegations disclose the commission of independent offences under the general penal law.

67. Admittedly, the petitioner is registered as an ART clinic and are conducting an IVF centre. They are also operating

the necessary infrastructure and facilities relating to the collection, storage and banking of oocytes, sperm, eggs and other gametes.

68. No doubt, the specific allegation against the petitioner is that they, in collusion with A1, A2 and other accused, procured innocent and financially vulnerable women from remote villages in various States for the purpose of obtaining their oocytes. It is the specific case of the prosecution that the petitioner engaged the services of A1 and A2 for procuring such women and that there was an understanding between the petitioner and the said accused regarding the supply of women for oocyte donation.

69. Though the women were allegedly brought for the purpose of voluntary donation of oocytes, there is an admitted element of monetary consideration being extended to them. The learned counsel for the petitioner sought to explain the same by contending that the amounts provided to the donors were towards their accommodation, food, medical expenses and other facilities during their stay, apart from providing one year's insurance coverage as contemplated

under the Act. According to the petitioner, such facilities were extended only for the welfare of the donors and that all the women had voluntarily come forward to donate their oocytes.

70. However, the Act does not contemplate procuring women from different States through agents for the purpose of obtaining oocytes in exchange for a fixed monetary consideration under the guise of providing food, shelter and medical facilities. Though the petitioner seek to characterise the amounts extended to the women as expenses towards their welfare and maintenance, the specific allegation of the prosecution is that the victims were promised a fixed amount in return for their oocytes.

71. The statements of LWs.1 to 3, relied upon by the prosecution, prima facie support the allegation that the victims were procured through intermediaries and were promised a fixed monetary consideration. The said statements further indicate that, in several instances, the victims were paid amounts substantially lower than those originally promised to them through the agents acting on behalf of the petitioner.

72. No doubt, the petitioner contends that they have complied with all the requirements of the ART Act and that there was no exploitation of the women. They further contend that, even assuming that any exploitation had taken place, the same would fall within the purview of the ART Act and would have to be dealt with by the authorities constituted thereunder. The petitioner also seek to distance themselves from the alleged activities of A1 and A2 by contending that they were merely agents and that the petitioner had no role in the activities carried out by them. They further submit that the material objects seized by the police from the hostels have no connection whatsoever with the petitioner.

73. However, the specific allegation of the prosecution is that, during the course of search and seizure, it was found that the victims were being brought to the premises and administered hormonal injections without adequate medical assistance or proper medical supervision.

74. No doubt, the petitioner claim that the women were brought to their clinics only as voluntary donors and that they were provided with the facilities required during their

stay. According to them, the amounts paid were merely nominal and intended to meet the expenses incurred towards food and other necessities during the period of their stay. They further contend that they had nothing to do with the activities preceding the arrival of the victims at their clinics and that they cannot be held responsible for the manner in which the women were procured or treated by A1 and A2.

75. However, this Court is of the opinion that, once the petitioner admittedly receive and collect oocytes from such women, they cannot completely disassociate themselves from the circumstances under which those women were procured and brought to their clinics. It is the case of the petitioner that all the women from whom they obtained oocytes had independently and voluntarily approached them without the involvement of any intermediary. On the contrary, the admitted position is that the women were brought to the clinics through agents.

76. Though the learned Senior counsel further contend that they obtained the requisite consent forms from the donors before collecting their oocytes, the mere execution of consent

forms cannot, by itself, establish that the entire process was voluntary, informed and free from exploitation.

77. There are specific allegations against the petitioner that the women were subjected to hormonal injections for stimulating their ovaries and facilitating the collection of oocytes. It is also borne out from the material on record that the process was intended to obtain multiple oocytes from each donor, in some instances up to seven oocytes.

78. It is not in dispute that hormonal injections are administered for stimulating the ovaries and facilitating the retrieval of oocytes. Such medication may also result in adverse effects, including nausea, headaches and other health complications. Though the petitioner contend that the donors were counselled regarding the possible side effects of the hormonal injections, there is no material on record at this stage to demonstrate that the contents and implications of the consent forms were properly explained to the victims. In particular, there is no material to establish that the nature of the procedure, its possible consequences and the associated health risks were explained to the women in their respective

local languages, especially when the victims are stated to be from remote areas and unfamiliar with the English language.

79. Moreover, the contention of the petitioner that they had nothing to do with the procurement of the women from distant places or with the activities of A1 and A2 prior to their arrival at the clinics cannot be accepted at this stage. The petitioner, being medical professionals operating ART clinics and banks, are under an obligation to exercise due care and diligence in verifying the credentials and antecedents of every woman who approaches them for oocyte donation. They are also required to ascertain whether such a donor has previously undergone oocyte donation.

80. As contemplated under the law, a woman is permitted to donate her oocytes only once in her lifetime and cannot be subjected to repeated donations. However, in the present case, the statements of LWs 1 to 3 prima facie reveal that the victims had undergone oocyte donation on multiple occasions. There is no material to indicate that the petitioner had undertaken any effective verification to ascertain whether the said women had previously donated their oocytes.

81. Even assuming that the petitioner had no direct involvement in the alleged forgery, they cannot escape their responsibility to verify the identity and credentials of the women brought to their clinics for oocyte donation. The agents through whom the women were procured may not be subject to the same regulatory framework as the petitioner. However, once the petitioner is operating regulated ART clinics and banks, it is incumbent upon them to put in place an effective mechanism to ensure that no woman is subjected to repeated donations or any form of exploitation in violation of the statutory requirements.

82. Though, the learned Senior counsel for the petitioner contended that the alleged acts do not fall within the definition of exploitation, this Court is of the prima facie opinion that the allegations, when considered cumulatively, disclose an element of exploitation. Even if the petitioner is not alleged to have directly participated in procuring the women, they are nevertheless expected, as medical professionals and persons operating regulated ART establishments, to establish an effective mechanism for

verifying the identity, antecedents and circumstances of every donor brought before them.

83. In the absence of such due diligence, care and precaution, the petitioner cannot, at this stage, completely disclaim responsibility for the alleged exploitation of the women at the hands of A1 and A2.

84. The learned counsel for the petitioner addressed elaborate arguments for several hours, referring to the relevant provisions of the ART Act and various judicial precedents in support of their contentions. Per contra, the learned Additional Public Prosecutor strongly opposed the grant of anticipatory bail, contending that the allegations against the petitioner is serious in nature and that, if they are enlarged on bail, there is every likelihood of their tampering with the evidence or causing the disappearance of material evidence by deleting or destroying relevant records and electronic data available at their clinics.

85. Having considered the rival submissions and upon perusal of the material available on record, this Court is of the opinion that the involvement of the petitioner in the

alleged offences cannot be ruled out, for the following reasons:

86. Firstly, the petitioner has admittedly acknowledged that they are operating the ART clinic and banks. The victims has stated that they were exploited at the hands of petitioners held more than onces, and even victims were brought to their petitioner's establishments through A1 and A2. Further, there is no denial that the victims were administered hormonal injections for the purpose of stimulating their ovaries and facilitating the retrieval of oocytes.

87. Though the petitioner rely upon the consent forms obtained from the donors, there is no satisfactory material to demonstrate that the contents of such forms, including the nature of the procedure, its possible consequences and the associated side effects, were properly explained to the victims in a language understood by them.

88. This Court is of the opinion that the petitioner, being medical professionals operating regulated ART establishments, were under an obligation to ensure that every woman brought to their clinics was subjected to the

requisite safeguards and that the procedures were carried out strictly in accordance with the prescribed medical standards. Any hormonal medication administered to the donors ought to have been undertaken under appropriate medical supervision.

89. However, in the present case, there are specific allegations that hormonal injections were administered to the victims without proper medical supervision. In such circumstances, the petitioner ought not to have entertained women who were brought to their establishments without first verifying their identity, antecedents and the circumstances under which they had been procured, particularly when the purpose was to obtain their oocytes.

90. The mere assertion that all the statutory rules, regulations and formalities were complied with before collecting the oocytes cannot, by itself, be accepted as sufficient to absolve the petitioner of the serious allegations levelled against them. The circumstances, when considered cumulatively, prima facie indicate the involvement of the petitioner in the alleged exploitation of innocent and

vulnerable women under the guise of voluntary oocyte donation, particularly when the victims are alleged to have been subjected to repeated donations in violation of the statutory provisions and without adequate consideration for their health and well-being.

91. Even if the acts of procuring the women were directly committed by A1 and A2, the possibility of such acts having been committed with the knowledge and involvement of the petitioner cannot be ruled out at this stage. The alleged arrangement between the petitioner and the other accused, the repeated procurement of women, the administration of hormonal injections and the alleged irregularities relating to the identity documents of the donors are circumstances which require proper investigation.

92. It is also pertinent to mention that the learned counsel for the petitioner submitted that the petitioner is a senior and experienced gynaecologist who has rendered extensive services in the field of reproductive medicine and has performed hundreds and thousands of IVF procedures, thereby bringing happiness to numerous families.

93. However, the professional experience and reputation of a medical practitioner cannot be a justification for overlooking the rights and dignity of innocent and vulnerable women. The pursuit of bringing happiness to commissioning couples cannot be permitted to become a means of exploiting gullible women under the guise of voluntary oocyte donation.

94. In these facts and circumstances, merely because the petitioner is stated to be a senior and experienced medical practitioner enjoying considerable reputation in society, the same cannot be a ground for extending the relief of anticipatory bail. On the contrary, when the petitioner claim to be operating a chain of ART banks and fertility centres, they are expected to maintain an effective monitoring mechanism to ensure strict compliance with the statutory requirements and to safeguard the interests of the women who approach their establishments.

95. The failure to exercise such due diligence and maintain adequate safeguards, coupled with the specific allegations regarding the involvement of the petitioner in the alleged arrangement with the intermediaries, cannot be brushed

aside at this stage. The alleged acts and omissions may also give rise to questions of responsibility arising out of the relationship between the petitioner and the other accused, which require examination during the course of investigation.

96. Another argument raised by the learned Senior counsel for the petitioner that though the gravity of the offence is also a factor that may ordinarily be looked into, the learned Senior Counsel appearing for the petitioner, Sri Hemendranath Reddy, has specifically pointed out that the relevant aspect of gravity was deleted by way of an amendment to the Code of Criminal Procedure, 1973. He has submitted that the consideration of the gravity of the offence, while deciding a regular bail petition or an anticipatory bail petition was omitted by the said amendment.

97. Therefore, the question of considering the gravity of the offence in the present set of facts may not arise.

98. Having considered the entire submissions made by all the learned counsel appearing for the petitioner and the learned Public Prosecutor, this Court also takes note of the contention that the allegations levelled against the petitioner

is covered under the ART Act. The said enactment provides a mechanism for investigation, taking cognizance of offences, and prescribing punishment for offences committed thereunder.

99. Though it is contended that there is no specific bar on the police taking cognizance of or initiating proceedings in respect of offences committed under the ART Act, as well as under the IPC, the learned Senior Counsel appearing for the petitioner, Sri Hemendranath Reddy, has relied upon a judgment of the Hon'ble Supreme Court wherein the Court has distinguished the role and powers of the police in cases involving offences under special enactments, particularly where a specific mechanism for investigation and prosecution has been provided under the relevant enactment.

100. In the present case, admittedly, the petitioner has been charged with offences punishable under the BNS/IPC, along with the relevant provisions of the ART Act. Though it is contended that the ART Act comprehensively provides for the offences and punishments thereunder, this Court is of the opinion that, at this stage, it would not be appropriate to

record any finding on the question as to whether the police have the authority to initiate the proceedings, particularly in view of the submissions advanced by the learned counsel for the petitioner.

101. Admittedly, the petitioner is already enjoying interim protection due to pendency of the present criminal petition. However, the consistent case of the public prosecutor, right from the inception, is that there is every likelihood of the petitioner may tamper with the evidence if they are grant anticipatory bail enlarged and that they may also influence or intimidate the witnesses.

102. Though the scope of anticipatory bail is limited, the learned counsel appearing for the petitioner has made submissions with regard to the overall maintainability of the proceedings, the locus of the complainant and the police in initiating the proceedings, and also the lodging of the FIR.

103. The subject matter before this Court is confined only to the question of grant of anticipatory bail. Any examination of all the factual aspects and other issues raised by the learned counsel for the petitioner would amount to proceeding

beyond the scope of an anticipatory bail petition and converting the same into a petition for quashing the proceedings. It would also involve examining the merits of the case and the issues to be determined at trial, thereby virtually deciding the innocence of the petitioner. Such an exercise is not permissible while considering the present anticipatory bail petition.

104. Coming to case on hand, considering the entire gamut of the case and the submissions advanced by both sides and in view of the specific allegation regarding the arrangement between the petitioner and the other accused for procuring women for oocyte donation, the question of an agency relationship also arises for consideration. *Prima facie*, the petitioner appear to have engaged A1 and A2 as intermediaries for procuring the women, as per the LWs statements who stated about the procuring them by A1 & A2 for petitioner thereby giving rise to an alleged relationship of principal and agent. In such circumstances, the contention of the petitioner that they are entirely unconnected with the acts committed by A1 and A2 cannot be accepted at this stage. The nature and extent of their involvement and the

consequences arising therefrom are matters which require investigation, therefore Court does not find any grounds to consider the grant of anticipatory bail to the petitioner.

105. It is also pertinent to note that there are allegations of forgery against the petitioner, particularly with regard to the manipulation of the Aadhaar cards of the victims and the creation of fabricated Aadhaar cards. This circumstance also assumes significance, as it raises a serious suspicion regarding the attempt to conceal the identity of the donors and suppress the fact that they had previously undergone oocyte donation. At this stage, the possibility that such documents were manipulated to facilitate repeated donations cannot be ruled out.

106. **BEFORE PARTING - Though not in context of this case**

> *"Any profession shall never be converted into as a business, once it is converted, the element of monetary and economic development would come into play, in pursuit of the same, there is every chance that the professional, moral ethics, values, ethical standards and the promises which they do while entering into the profession, all will vanish in a thin air"*

107. Therefore, all professionals must remember the purpose and promise underlying the profession they have chosen and must discharge their duties with integrity, compassion and a sense of responsibility towards society. Professional ethics are not merely formal obligations; they are the very foundation upon which public trust and confidence in any profession rest.

108. The Division Bench of this Court, in ***Dr. Pachipala Namratha @ Athaluri Namratha v. Union of India & Anr*** (**2026 LiveLaw (Tel) 76)**, while dealing with more or less identical circumstances had considered the issue in detail. I being one of the member of the Bench has made specific observations at paragraphs Nos.40 and 43, wherein it relates to humanity, trust, social stigma. The said paragraphs of the said judgment in my considered opinion, deserve to be extracted and made part of this judgment.

> *"40. Moreover, we find that the allegation relate to an organized exploitation of vulnerable persons, further manipulation and cheating parenthood and identity through illegal practices. Such allegations, if true, have a long shadow on both the parents and the child. A child who grows up to discover that the biological origin was misrepresented can face deep psychological distress, identity confusion, and social stigma. The parents too may suffer trauma, grief, and loss of trust,*

apart from the fear of social judgment and legal uncertainty.

43. This Bench is also conscious of the wider societal and emotional dimensions that accompany allegations of illegal surrogacy/child trafficking and manipulation of parenthood. In many cases couples who are medically unable to conceive approach fertility centres with deep vulnerability and legitimate hope, investing substantial emotional, physical and financial resources in a process that they believe is lawful, ethical and medically regulated. Medical institutions, particularly fertility clinics and hospitals occupy a position of heightened trust as they are expected to function with professional integrity, transparent counselling, informed consent, strict record-keeping and rigorous compliance with statutory safeguards because the procedure does not involve merely "treatment" but implicates identity, lineage and the legal status of a child. If the allegation is that such institutional trust is exploited through deception, substitution of babies, fabrication of records, manipulation of birth registrations or routing of procedures through informal agents, the harm is not confined to a private dispute between individuals but also undermines public confidence in the medical system, weakens the credibility of regulatory oversight and creates a climate where even lawful, medically necessary surrogacy is viewed with suspicion. The resultant distress often extends beyond the immediate parties and these acts, if established, carry stigma and trauma that can persist for years and can irreparably affect the child's sense of identity and belonging. Therefore, while the Bench remains vigilant to protect liberty through procedural safeguards, yet must be equally vigilant that the extraordinary writ jurisdiction is not used to pre-emptively arrest the investigative process in cases having serious social ramifications."

109. For all the aforesaid reasons, this Court is not inclined to accept the contentions advanced on behalf of the

petitioner. Accordingly, this Court is of the opinion that the petitioner is not entitled to the relief of anticipatory bail. Consequently, the petition filed by the petitioner seeking anticipatory bail deserves to be dismissed and is accordingly dismissed.

All pending miscellaneous applications, if any, shall stand closed.

JUSTICE NARSING RAO NANDIKONDA

Date: 23.11.2026
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