IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

CRIMINAL PETITION Nos.19118, 19129, 19248, 19250, 19253, 19337, 19491 and 19497 of 2026

(CNR No. HBHC010799572026)

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

Between:

Dr. Durga Gedela Rao

...Petitioner

AND

The State of Telangana

...Respondent

COMMON ORDER:

The CRLP No.19118 of 2026 is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), in connection with FIR No.426 of 2026 on the file of Malakpet Police Station, Hyderabad, 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 (for short 'BNS') and Sections 33(2) and 34 of the Assisted Reproductive Technology (Regulation) Act, 2021 (for short 'ART Act').

2. The CRLP No.19129 of 2026 is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), in connection with FIR No.727 of 2026 on the file of Jubilee Hills Police Station, Hyderabad, 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 (for short 'BNS') and Sections 33(2) and 34 of the Assisted Reproductive Technology (Regulation) Act, 2021 (for short 'ART Act').

3. The CRLP No.19248 of 2026 is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), in connection with FIR No.1608 of 2026 on the file of Miyapur Police Station, Cyderabad, 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 (for short 'BNS') and Sections 33(2) and 34 of the Assisted Reproductive Technology (Regulation) Act, 2021 (for short 'ART Act').

4. The CRLP No.19250 of 2026 is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), in connection with FIR No.763 of 2026 on the file of Begumpet Police Station, Hyderabad, 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 (for short 'BNS') and Sections 33(2) and 34 of the Assisted Reproductive Technology (Regulation) Act, 2021 (for short 'ART Act').

5. The CRLP No.19253 of 2026 is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), in connection with FIR No.249 of 2026 on the file of Mahankali Police Station, Hyderabad, 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 (for short 'BNS') and Sections 33(2) and 34 of the Assisted Reproductive Technology (Regulation) Act, 2021 (for short 'ART Act').

6. The CRLP No.19337 of 2026 is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), in connection with FIR No.548 of 2026 on the file of Film Nagar Police Station, Hyderabad, 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 (for short 'BNS') and Sections 33(2) and 34 of the Assisted Reproductive Technology (Regulation) Act, 2021 (for short 'ART Act').

7. The CRLP No.19491 of 2026 is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), in connection with FIR No.1146 of 2026 on the file of Saroornagar Police Station, Malkajgiri, 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 (for short 'BNS') and Sections 33(2) and 34 of the Assisted Reproductive Technology (Regulation) Act, 2021 (for short 'ART Act').

8. The CRLP No.19497 of 2026 is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), in connection with FIR No.1145 of 2026 on the file of Saroornagar Police Station, Malkajgiri, 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 (for short 'BNS') and Sections 33(2) and 34 of the Assisted Reproductive Technology (Regulation) Act, 2021 (for short 'ART Act').

9. Heard **Sri Vivek Reddy,** learned Senior counsel representing **Sri B. Mithun Rao**, learned counsel; **Sri T.Niranjan Reddy**, learned Senior Counsel representing **Sri Prasen Gundavaram**, learned counsel appearing for the petitioner; **Sri Palle Nageshwar Rao,** learned Public Prosecutor and **Sri Syed Yasoor Mamoon**, learned Additional Public Prosecutor appearing for the respondents.

10. As these Criminal Petitions are arising out of the same set of facts and involving similar parties for similar offences in different police stations. In view of the same and with the

consent of all the parties, they are being disposed of by way of a common order, taking CRLP No.19118 of 2026 as the lead case.

11. The brief facts of the case are that the petitioner, Dr. Durga Gadela Rao, aged about 58 years, is a reputed gynaecologist and reproductive medicine specialist with over 25 years of experience, and performed more than 1,00,000 surgeries. Under her guidance, Oasis Fertility introduced Pre-implantation Genetic Testing (PGT) and CAPA-IVM for the first time in Hyderabad and remains the only fertility organization which provides CAPA-IVM across all its centres. The petitioner has an unblemished professional record and no criminal antecedents.

12. The present anticipatory bail petition arises out of Crime No.426 of 2026, registered on 12.11.2026 at Malakpet Police Station, alleging unauthorized procurement of oocyte donors, exploitation of women, payment for oocyte donation and administration of hormonal injections without proper medical supervision.

13. The petitioner's establishment, Oasis Fertility Centre, 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/AB/2022/10634/AB/RANGAREDDY/028 ("Oasis Art Bank"). Some of the ART clinics named in the complaint underlying the present FIR are as follows:

a) Madinaguda, Ranga Reddy District (Registration No.TS/AC/2022/10047/L2/RANGA REDDY/027);

b) Malakpet, Dilsukhnagar, Hyderabad (Registration No.TS/AC/2022/10150/L2/HYDERABAD/030);

c) Secunderabad, Hyderabad (Registration No.TS/AC/2022/10115/L2/HYDERABAD/006);

d) Banjara Hills, Hyderabad (Registration No.TS/AC/2022/10131/L2/HYDERABAD/037); and

e) Tolichowki, Shaikpet, Hyderabad (Registration No.TS/AC/2022/13795//AC/L2/HYDERABAD/199).

14. 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 Parvin. 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.

15. During the inspection, 12 women were found accommodated at the hostel, belonging to different States, i.e., from 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.

16. 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 authorized 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.

17. 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.

18. 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.

19. ***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) prohibits the sale or trading of human gametes, exploitation of gamete donors and the use of intermediaries for obtaining gamete donors.

20. 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.

21. ***Under 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.

22. 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.

23. Learned counsel for the petitioner further contended that FIR is only a suspicion 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.

24. It is submitted that 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.

25. The petitioner submitted 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.

26. The petitioner further contended 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.

27. 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.

28. 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, in the absence of qualified medical practitioners or authorised medical supervision at the hostel and improper disposal of biomedical waste.

29. 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.

30. 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

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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 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:

i. 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.

ii. 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.

iii. 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.

iv. 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, 12 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-2 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 7 accused in the case, including the Petitioner, who is sought to be arrayed as A-1. Out of 7 accused, A-6 and A-7 were arrested on 13.11.2026.

39. In reply to the allegation leveled 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 unauthorized procurement, monetary inducement and administration of medicines outside its registered premises.

40. 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-3 and A-6 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.

41. 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.

42. 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.

43. The petitioner submits that she is a 58-year-old woman doctor with over 25 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.

44. 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.

45. 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.

46. 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.

47. 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 and prayed to allow the petition.

Submissions of the learned Senior Counsel appearing for the petitioner

48. Sri T. Niranjan Reddy, learned Senior Counsel for the petitioner submitted that the activities relating to Assisted Reproductive Technology (ART) are regulated under the ART

Act, 2021, and cannot be treated as illegal in the absence of any specific violation of its provisions. It was contended that controlled ovarian stimulation, administration of hormonal injections and retrieval of up to seven oocytes are permissible components of the ART procedure, subject to informed consent and medical supervision. Reliance was placed on Forms 12 and 13 of the ART Rules, which provide for donor consent. It was further submitted that the clinics were registered and had qualified gynaecologists and embryologists to supervise the procedures.

49. The petitioner denied the allegations of trafficking, exploitation and illegal procurement of oocyte donors, contending that the women voluntarily participated in the procedures after medical screening and informed consent. It was submitted that the MOUs were executed by the institutions with facilitators, who were responsible for donor verification, obtaining identity documents, ensuring voluntary participation and arranging travel and accommodation. Any irregularities committed by such facilitators or administrative staff could not automatically be attributed to the petitioner without establishing her specific knowledge, role or

involvement. The petitioner also contended that she could not be held individually responsible for the activities of several clinics merely because she was associated with them as a director or co-founder.

50. Sri Vivek Reddy, learned Senior Counsel submitted that seven FIRs had been registered on substantially identical complaints, despite the complainant requesting that the subsequent complaints be treated as part of the original FIR, Crime No.766. It was contended that the petitioner's apprehension of arrest was genuine, particularly as the police had stated in their counter-affidavit that her arrest was necessary for further investigation.

51. It was further submitted that the activities in question were regulated under the ART Act, 2021, and that legally permissible ART procedures could not automatically constitute exploitation under Section 140. The ART Board, being the competent expert authority, had already issued a show-cause notice regarding alleged violations relating to ovarian hyperstimulation, procurement of oocytes, donor screening and informed consent, to which the petitioner had

submitted her reply. The inquiry was pending, and the police could not presume violations before the competent authority rendered its findings.

52. The petitioner contended that she had performed approximately 1,00,000 medical procedures and maintained the requisite records, which were also uploaded to the National Registry under the ART Rules. It was submitted that the amounts paid to facilitators under the MOUs represented reimbursement of reasonable expenses and not consideration for purchasing oocytes. The petitioner also disputed the allegations of forgery relating to Aadhaar details, contending that the collection and maintenance of such details formed part of the regulatory requirements and that her individual involvement in forgery had not been established.

53. The 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 petitioners, 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.

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

> ***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.*
>
> ***Section 35: Cognizance of offences.***
>
> *(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*** *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: 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.*

55. It is further contended by the learned counsel for the petitioners 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.

56. The learned counsel also 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.

57. The learned 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 petitioners 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.

58. 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.

59. The learned counsel also pointed out that the allegations against the petitioners 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.

60. 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.

61. Finally, it was submitted that the petitioner was an experienced medical professional whose arrest would seriously affect her professional reputation and career. In view of the pending inquiry before the ART Board, availability of medical records and absence of any justification for custodial interrogation, the petitioner sought anticipatory bail.

62. In support of their contentions, the learned counsel for the petitioner relied upon the following judgments:

i. ***Gurbaksh Singh Sibbia v. State of Punjab***[1]

ii. ***Siddharam Satlingappa Mhetre v. State of Maharashtra***[2]

iii. ***Sushila Aggarwal v. State (NCT of Delhi)***[3]

iv. ***Pradip N. Sharma v. State of Gujarat and another***[4]

v. ***T.T.Antony v. State of Kerala***[5]

vi. ***Satyendar Kumar Jain v. Enforcement Directorate***[6]

63. In ***Gurbaksh Singh Sibbia*** (1st cited supra), the relevant paragraortion is extracted below:

> ***8.*** *No one can accuse the police of possessing a healing touch nor indeed does anyone have misgivings in regard to constraints consequent upon confinement in police custody. But, society has come to accept and acquiesce in all that follows upon a police arrest with a certain amount of sang-frosd, insofar as the ordinary rut of criminal investigation is concerned. It is the normal day-to-day business of the police to investigate into charges brought before them and, broadly and generally, they have nothing to gain, not favours at any rate, by subjecting ordinary criminals to needless harassment. But the crimes, the criminals and even the complainants can occasionally possess extraordinary features. When the even flow of life becomes turbid, the police can be called upon to inquire into charges arising out of political antagonism. The powerful processes of criminal law can then be perverted for achieving extraneous ends. Attendant upon such investigations,*

[1] (1980) 2 SCC 565
[2] (2011) 1 SCC 694
[3] (2020) 5 SCC 1
[4] (2025) SCC Online SC 457
[5] (2001) 6 SCC 181
[6] (2024) 6 SCC 715

when the police are not free agents within their sphere of duty, is a great amount of inconvenience, harassment and humiliation. That can even take the form of the parading of a respectable person in handcuffs, apparently on way to a Court of justice. The foul deed is done when an adversary is exposed to social ridicule and obloquy, no matter when and whether a conviction is secured or is at all possible. It is in order to meet such situations, though not limited to these contingencies, that the power to grant anticipatory bail was introduced into the Code of 1973.

15. *Judges have to decide cases as they come before them, mindful of the need to keep passions and prejudices out of their decisions. And it will be strange if, by employing judicial artifices and techniques, we cut down the discretion so wisely conferred upon the courts, by devising a formula which will confine the power to grant anticipatory bail within a strait-jacket. While laying down cast-iron rules in a matter like granting anticipatory bail, as the High Court has done, it is apt to be overlooked that even judges can have but an imperfect awareness of the needs of new situations. Life is never static and every situation has to be assessed in the context of emerging concerns as and when it arises. Therefore, even if we were to frame a 'Code for the grant of anticipatory bail', which really is the business of the legislature, it can at best furnish broad guide-lines and cannot compel blind adherence. In which case to grant bail and in which to refuse it is, in the very nature of things, a matter of discretion. But apart from the fact that the question is inherently of a kind which calls for the use of discretion from case to case, the legislature has, in terms express, relegated the decision of that question to the discretion of the court, by providing that it may grant bail "if it thinks fit". The concern of the courts generally is to preserve their discretion without meaning to abuse it. It will be*

strange if we exhibit concern to stultify the discretion conferred upon the courts by law.

31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh [AIR 1962 SC 253 : (1962) 3 SCR 622 : (1962) 1 Cri LJ 216] , which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for*

> *the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.*

64. The learned Senior Counsel further questioned the registration of multiple FIRs on substantially identical complaints by the same District Medical and Health Officer, relying upon the judgment in ***T.T.Antony v. State of Kerala*** (5th cited supra), and contended that successive FIRs relating to the same transaction were impermissible. It was also submitted that the allegations against the petitioner were largely based on the confession statements of other accused, without independent scientific or documentary evidence establishing her involvement. The petitioner contended that violations, if any, ought to be examined under the ART Act, which prescribes specific penalties, and that the investigating agency could not presume criminality without considering the statutory framework. The petitioner expressed willingness to cooperate with the investigation, produce medical records and expert opinion, and sought protection from arrest.

Submissions of learned Public Prosecutor:

65. Per contra, the learned Public Prosecutor and Additional Public Prosecutor appearing for the respondents submitted that pursuant to credible information regarding unauthorized oocyte donation activities and exploitation of women, the Begumpet Police, along with officials of the District Medical and Health Department, conducted a joint inspection on 30.10.2026 at a women's hostel in Begumpet, Hyderabad, where approximately 12 women were found accommodated for proposed egg donation procedures. During the inspection, hormonal injections, medicines and other medical materials were seized. It was alleged that the women had been brought from different States through brokers by offering monetary compensation, and that the procedures were being arranged at various fertility centres, including Oasis Fertility Centre owned by the petitioner. Accordingly, Cr.No.763/2026 was registered for offences under the relevant provisions of the BNS, 2023 and the ART Act, 2021.

66. It is further contended that the acts alleged against the petitioners do constitute exploitation, particularly physical

exploitation of the victims. He submitted that there are specific allegations against the petitioners regarding the manner in which the women were procured, subjected to medical procedures and made to undergo the process of oocyte donation.

67. Even assuming that the petitioners are 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 petitioners of criminal liability if the allegations disclose the commission of independent offences under the general penal law.

68. Admittedly, the petitioners are 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.

Discussions, Findings and Decisions

69. Having considering the contentions and rival contentions of the learned Senior Counsels appearing for the petitioner and learned Public Prosecutor. No doubt, the specific allegation against the petitioner is that they, in collusion with 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 petitioners engaged the services of A2 to A7 for procuring such women and that there was an understanding between the petitioners and the said accused regarding the supply of women for oocyte donation.

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 petitioners 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 and 2, 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 contended that they have complied with all the requirements of the ART Act and that there was no exploitation of the women. She 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 A2 and A3 by contending that

they were merely agents and that the petitioner had no role in the activities carried out by them. She 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 her, the amounts paid were merely nominal and intended to meet the expenses incurred towards food and other necessities during the period of their stay. She further contend that she had nothing to do with the activities preceding the arrival of the victims at their clinics and that she cannot be held responsible for the manner in which the women were procured or treated by A2 and A3.

75. It is further submitted by the learned Public Prosecutor that the prosecution has collected relevant Call Detail Records (CDRs) as well as data pertaining to the messages exchanged between the petitioner and the agencies, which would prima facie establish the involvement of the petitioner in the alleged exploitation of innocent women.

76. It is further submitted that, though a woman is permitted to donate oocytes only once in her lifetime, the petitioner allegedly exploited the victims by facilitating and procuring oocyte donations from them on multiple occasions, in violation of the prescribed legal provisions. It is also alleged that, for the purpose of facilitating such repeated donations, the accused resorted to tampering with and forging Aadhaar cards, thereby fabricating identity documents to conceal the identities of the victims and circumvent the statutory restrictions imposed under the ART Act and the Rules framed thereunder.

77. It was further submitted that the investigation revealed an organized network involving brokers, facilitators and fertility centres, wherein women were allegedly recruited by

offering amounts ranging from Rs.50,000/- to Rs.60,000/- per donation cycle. The brokers allegedly received approximately Rs.90,000/- to Rs.1,00,000/- for arranging each donor, retaining or distributing the balance towards commissions and other expenses. The statements of several witnesses, including LWs 1 and 2, allegedly disclosed instances of inducement, deception, repeated oocyte donations and administration of hormonal injections without properly explaining the associated medical risks. Further, certain women also alleged that they were brought to Hyderabad on false promises of employment, that their identity documents were withheld and that they were prevented from returning to their native places upon refusing to undergo the procedures.

78. The prosecution further relied upon the statements of certain women who allegedly underwent repeated egg donation procedures and were assured by the brokers that their previous donor history could be concealed by altering their names, addresses and family particulars. It was also alleged that forged marriage and birth certificates were prepared using the personal details and Aadhaar documents

of certain women to satisfy the documentation requirements under the ART framework.

79. It was further contended that the alleged activities violated the ART Act, particularly the restriction permitting an oocyte donor to donate only once in her lifetime, with not more than seven oocytes being retrieved. Relying upon Section 45 of the ART Act, the respondents submitted that the special enactment does not exclude the application of other laws and that prosecution for trafficking and exploitation under the BNS could proceed independently. It was also pointed out that the accused persons had allegedly produced records relating to only 100 to 190 procedures despite claims of having conducted numerous donation procedures, raising doubts regarding statutory compliance. **80.** The respondents clarified that eight separate cases had been registered across different police stations and three Police Commissionerates, based on different complaints, *suo motu* information and reports furnished by the respective District Medical and Health Officers, and that the investigations were being conducted separately.

81. The respondents relied upon ***Gurbaksh Singh Sibbia v. State of Punjab*** (1st cited supra) regarding the principles governing anticipatory bail, ***State v. Anil Sharma***[7], to contend that custodial interrogation is qualitatively more effective than questioning an accused protected by anticipatory bail, and ***State (NCT of Delhi) v. Bhemla***, Criminal Petition No.6327 of 2025, dated 03.11.2025, regarding interference with bail orders passed without considering relevant material and the gravity of the offences.

82. Finally, the respondents contended that the victim statements, alleged disclosures of co-accused, bank transactions, PhonePe records, Call Data Records and other material collected during investigation *prima facie* established the involvement of the accused persons. It was argued that custodial interrogation was necessary to uncover the financial transactions, identify the persons involved and ascertain the complete extent of the alleged activities. At this stage, grant of anticipatory bail could hamper the investigation and provide an opportunity to influence witnesses, particularly employees and other persons associated with the fertility centres.

[7] (1997) 7 SCC 187

Accordingly, the respondents sought dismissal of the anticipatory bail petitions.

83. However, this Court is of the opinion that, once the petitioner admittedly receive and collect oocytes from such women, she cannot completely disassociate herself 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 her without the involvement of any intermediary. On the contrary, the admitted position is that the women were brought to the clinics through agents which is evident from the MOU entered by the petitioner and the third parties/intermediaries.

84. Though the petitioner further contended that they obtained the requisite consent forms from the donors before collecting their oocytes, the mere execution of consent forms cannot establish that the entire process was voluntary, informed and free from exploitation.

85. 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.

86. 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 contends 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.

87. 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 and 2 *prima facie* reveal that the victims had undergone oocyte donation on multiple occasions. There is no material to indicate that the petitioners had undertaken any effective verification to ascertain whether the said women had previously donated their oocytes.

88. It is also pertinent to note that there are allegations of forgery against the petitioners, 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 and as to their age and marital status. At this stage, the possibility that such documents were manipulated to facilitate repeated donations cannot be ruled out.

89. Even assuming that the petitioners 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 petitioners. However, once the petitioners are 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.

90. It is also pertinent to mention that the learned counsel for the petitioners 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. 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.

91. Though the learned counsel for the petitioners 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, an element of exploitation cannot be ruled out at this stage. Even if the petitioners are 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.

92. In the absence of such due diligence, care and precaution, the petitioners cannot, at this stage, completely disclaim responsibility for the alleged exploitation of the women at the hands of A2 and A3.

93. No doubt, A2 and A3 are stated to have procured and produced the victims before the petitioners' clinics, and the victims were not directly approaching the petitioners' banks or clinics on their own. However, the admitted involvement of intermediaries in procuring and supplying the women,

coupled with the alleged understanding between the petitioners and A2 and A3, assumes considerable significance.

AGENCY-VICARIOUS LIABILITY

94. In view of the specific allegation regarding the arrangement between the petitioners and the other accused for procuring women for oocyte donation, the question of an agency relationship also arises for consideration. Prima facie, the petitioners appear to have engaged A2 and A3 as intermediaries for procuring the women, thereby giving rise to an alleged relationship of principal and agent. In such circumstances, the contention of the petitioners that they are entirely unconnected with the acts committed by A2 and A3 cannot be accepted at this stage. The nature and extent of their involvement and the consequences arising therefrom are matters which require investigation and the law of agency and vicarious liability also cannot be ruled out.

95. Besides the above, this Court is conscious of the fact that the present proceedings are confined to consideration of the petitioner's entitlement to anticipatory bail and that it is

not appropriate to undertake a detailed examination of the evidence or record any conclusive findings on the merits of the allegations.

96. No doubt, the learned counsel for the petitioners 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 petitioners are 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.

97. 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 mentioned below.

98. Firstly, the petitioner has admittedly acknowledged that they are operating the ART clinic and banks. 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.

99. Though the petitioner relies 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.

100. This Court is of the view 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.

101. 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.

102. 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 petitioners of the serious allegations levelled against them. The circumstances, when considered cumulatively, *prima facie* the involvement of the petitioners in the alleged exploitation of innocent and vulnerable women under the guise of voluntary oocyte donation cannot be ruled out, 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.

103. Even if the acts of procuring the women were directly committed by A2 and A3, the possibility of such acts having been committed with the knowledge and involvement of the petitioners cannot be ruled out at this stage. The alleged arrangement between the petitioners and the intermediaries, 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.

104. 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 claims 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.

105. 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 intermediaries, which require examination during the course of investigation.

106. 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 is liable to be dismissed.

107. Such a decline in professional ethics ultimately leads to the exploitation of innocent and vulnerable persons who approach professionals with trust and confidence, seeking their expert services.

108. However, in view of the submissions made by all the learned Senior counsel appearing for the petitioner and the

learned Public Prosecutor, and as it is necessary to address the questions and issues raised by the petitioner, this Court is of the opinion that, while considering the present anticipatory bail petition, the relevant factors would include the nature of the offence, the nature of the allegations levelled against the petitioner, and the antecedents of the petitioner.

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

110. 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

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

111. 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 Niranjan Reddy and Sri Vivek 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.

112. In the present case, admittedly, the petitioner have 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.

113. The contention of the petitioner that they were unaware of the alleged exploitation of women by the agency cannot be accepted at this stage. In this regard, it is pertinent to note that there is a Memorandum of Understanding (MoU) entered into between the petitioner and the other accused, namely A2, A3 and others, for the purpose of facilitating the participation of voluntary egg donors in Assisted Reproductive Technology (ART) procedures, subject to the reimbursement of legitimate expenses incurred by them. Under the said MoU, the petitioner had entrusted the facilitators with the responsibility of conducting thorough background verification of each egg donor, including the collection of original address proof and identity proof.

114. It is further provided under the MoU that the facilitators shall ensure that the egg donors comply with all the medical and procedural guidelines prescribed by the ART Bank and the attending physicians. In the present case, the allegations

indicate that all the medical and procedural aspects were undertaken by the facilitators, namely A2, A3 and the other accused, by procuring women from various States. It is further alleged that the said facilitators administered hormonal injections to the victims without any medical supervision, guidance or involvement of qualified medical personnel. In such circumstances, having regard to the nature of the contractual understanding between the petitioner and the facilitators, the petitioner cannot, at this stage, simply plead ignorance of the alleged administration of hormonal injections without proper medical supervision.

115. The learned Senior Counsel appearing for the petitioner vehemently contended that the question of exploitation does not arise in the present case, as the victims had voluntarily consented to participate in the egg donation procedures.

116. In this regard, it is pertinent to mention that admittedly, the victims herein are women from rural backgrounds belonging to various States. There is no material placed before this Court to demonstrate that the petitioner had taken adequate steps to explain to the victims, in their respective local languages, the nature, risks and consequences of

administering hormonal injections and undergoing the egg donation procedure. In the absence of such material, the contention of the petitioner that the victims had voluntarily consented to the procedures cannot, by itself, be accepted as a sufficient answer to the allegations of exploitation at the hands of the agents engaged by them. It is also the responsibility of the petitioner to ensure that the prescribed statutory safeguards and procedural requirements are duly complied with.

117. On the contrary, the prosecution has disputed compliance with the said requirements, and the statements of the victims, who are cited as LWs, along with the statements of other witnesses, prima facie indicate that the prescribed procedures may not have been followed.

118. Another contention raised by the learned Senior Counsel appearing for the petitioner is that any violation of the provisions of the ART Act is required to be dealt with exclusively under the mechanism provided therein. It is submitted that the alleged violations of the ART Act are already the subject matter of proceedings before the State Appropriate Authority under Sections 18 and 20 of the ART

Act, which is a specialized statutory body empowered under Section 13 of the said Act. The said Authority is entrusted with the responsibility of investigating complaints relating to violations of the provisions of the ART Act, the Rules and Regulations framed thereunder, and taking appropriate action in accordance with law. It is further submitted that the statutory authority has already issued a show-cause notice calling for an explanation from the petitioner, to which they have duly responded.

119. It is no doubt true that the ART Act provides a specific statutory mechanism for dealing with violations of its provisions. However, it is pertinent to note that the petitioner are not alleged to have committed offences punishable only under Sections 33(2) and 34 of the ART Act, but are also alleged to have committed offences punishable under Sections 125, 143(2), 143(3), 271, 318(4), 61(2) and 111 of the BNS.

120. No doubt, insofar as the offences under Sections 33(2) and 34 of the ART Act are concerned, a specific mechanism has been provided under the said enactment. However, insofar as the other offences alleged against the petitioner under the provisions of the BNS are concerned, particularly

those relating to the alleged exploitation of the victims, there is no corresponding mechanism under the ART Act which would, by itself, exclude the applicability of the general criminal law in cases where there are allegations of commission of offences under the BNS.

121. Though the learned Senior Counsel appearing for the petitioner has specifically drawn the attention of this Court to Sections 143(2) and 143(3) of the BNS, and contended that the said provisions also deal with exploitation in the context of ART Banks, fertility centres and clinics, the same would require consideration in the light of the allegations and the material placed on record.

122. The entire episode, as alleged by the prosecution, involving the bringing of women from West Bengal, Uttar Pradesh, Bihar, Maharashtra and Chhattisgarh, allegedly taking advantage of their financial difficulties and offering them an amount of Rs.50,000/- for each oocyte donation cycle, thereafter bringing them to Hyderabad and accommodating them in a hostel, where they were allegedly subjected to medical procedures without the presence or supervision of any qualified medical practitioner, including

the administration of hormonal drugs, would prima facie indicate an element of human trafficking involved in the present case.

123. The alleged activities carried out by Amit Sharma and Nikhat Parvin, who are stated to be the agents of the petitioner, were allegedly undertaken on behalf of the petitioner and pursuant to the arrangement between the parties. Therefore, merely because the MoU between the parties was executed under the guise of a lawful arrangement, the alleged illegal activities carried out in pursuance thereof cannot be treated as lawful acts. In other words, an otherwise illegal activity cannot be permitted to be carried out under the guise of a legally executed MoU.

124. The petitioner is stated to be running ART Banks and ART Clinics under the names of "Oasis" and "Sadguru". Though the petitioner project themselves as senior-most doctors having considerable experience in the field and claim to be rendering services to commissioning couples who are desirous of having children, it is equally important to observe that such a profession, by its very nature, demands a high degree of responsibility and accountability towards society.

The experience and reputation of the petitioner as well-known doctors cannot absolve them of their responsibility to ensure that the activities undertaken behind the scenes, before the victims are brought to them either through an agency or otherwise, are carried out strictly in accordance with law.

125. The petitioner, being experienced medical professionals in the field of ART, are expected to ensure that the entire process of oocyte donation, whether undertaken voluntarily or otherwise, is conducted in a lawful and medically supervised manner. They are equally obligated to ensure that no illegal activity takes place either prior to or subsequent to the donation of oocytes. However, the material placed on record prima facie indicates that such safeguards appear to have been lacking in the present case.

126. It is pertinent to mention here that though there is a strict prohibition of entering into the MOU and engaging of intermediaries for obtaining gametes, in spite of the same, there is MoU between the accused. No doubt, the law does not contemplate the payment of any monetary consideration or financial inducement to women for donating oocytes, and such payment is prohibited under the applicable legal

framework. However, contrary to the said statutory position, it is alleged that an amount of Rs.60,000/- was agreed to be paid to the victims in the form of maintenance and reimbursement towards accommodation, food, travelling and other incidental expenses. Even according to the victims, the said amounts were not properly paid by the accused.

127. It is further pertinent to mention that the MoU entered into between the parties contains a specific clause dealing with the payment of the said amount, though described as reimbursement of expenses. This aspect, when considered along with the other allegations and the statements of the victims, prima facie gives rise to serious concerns regarding not only their victimization and exploitation but also the possible involvement of elements constituting human trafficking.

128. Though the learned Senior Counsel have raised several contentions touching upon the very root of the maintainability of the criminal proceedings against the petitioner, this Court, being conscious of the limited scope of consideration in an application for anticipatory bail, is confining its examination, at this stage, to whether the material placed on record *prima*

facie discloses a reasonable possibility of the petitioner involvement in the alleged offence.

129. The only aspect that requires consideration at this stage is whether any serious allegations have been levelled against the petitioner and whether there is any likelihood of the petitioner failing to cooperate with the investigation if they are enlarged on bail. This Court must also consider whether, upon being enlarged on bail, there is any possibility of the petitioner causing the disappearance of evidence or influencing the witnesses.

130. Admittedly, the petitioner is already enjoying interim protection. 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.

BEFORE PARTING

Though not in context of this case

131. 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 pursuant of the same, there is a chance that the professional, moral ethics, values, ethical standards and the promises which they do while entering into the profession, will all vanish in thin air.

132. Every professional must remain conscious of the fact that a profession is not merely a means of earning money or accumulating wealth. It carries with it certain moral obligations, professional values and ethical responsibilities which must be upheld at all times. Every profession exists primarily to serve the interests of society and to promote the welfare of those who seek its services, and not merely to serve commercial interests or monetary gains.

133. 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.

134. In addition to the same, the Division Bench of this Court, in W.P.No.6550 of 2026, while dealing with more or less identical circumstances, has considered the issue in detail. I was also a member of the said Bench. In this regard, the observations made in paragraphs 40 and 43 of the said judgment are relevant and, 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.*

135. Considering the entire gamut of the case and the submissions advanced by both sides, for the aforesaid reasons and discussions and also the findings given by this Court in preceeding paragraphs, this Court does not find any grounds to consider the grant of anticipatory bail to the petitioner as *prime facie* the involvement of the petitioner cannot be ruled out at this primary stage. Hence, for all the aforesaid reasons, this Court is not inclined to accept the contentions made 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 is liable to be dismissed.

136. Accordingly, these Criminal Petitions are dismissed.

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

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JUSTICE NARSING RAO NANDIKONDA

Date: 23.11.2026
vjb