

**IN THE HIGH COURT FOR THE STATE OF TELANGANA,
HYDERABAD**

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Criminal Revision Case No. 849 of 2025

Between:

Dr. Athaluri @ Pachipala Namratha, W/o. Sri Venkata Krishna Prasad, Aged: 64 years, Occu: Doctor, H.No. 10-3-81, Arya Samaj Colony, Secunderabad, Pin Code – 500 003.

Petitioner

VERSUS

The State of Telangana, Represented by its Public Prosecutor, High Court Buildings, Hyderabad, through PS, CCS, Hyderabad.

Respondent

Criminal Revision Case No. 850 of 2025

Between:

Dr. Athaluri @ Pachipala Namratha, W/o. Sri Venkata Krishna Prasad, Aged: 64 years, Occu: Doctor, H.No. 10-3-81, Arya Samaj Colony, Secunderabad, Pin Code – 500 003.

Petitioner

VERSUS

The State of Telangana, Represented by its Public Prosecutor, High Court Buildings, Hyderabad, through PS, CCS, Hyderabad.

Respondent

Criminal Revision Case No. 851 of 2025

Between:

Dr. Athaluri @ Pachipala Namratha, W/o. Sri Venkata Krishna Prasad, Aged: 64 years, Occu: Doctor, H.No. 10-3-81, Arya Samaj Colony, Secunderabad, Pin Code – 500 003.

Petitioner

VERSUS

The State of Telangana, Represented by its Public Prosecutor, High Court Buildings, Hyderabad, through PS, CCS, Hyderabad.

Respondent

Criminal Revision Case No. 852 of 2025

Between:

Dr. Athaluri @ Pachipala Namratha, W/o. Sri Venkata Krishna Prasad, Aged: 64 years, Occu: Doctor, H.No. 10-3-81, Arya Samaj Colony, Secunderabad, Pin Code – 500 003.

Petitioner

VERSUS

The State of Telangana, Represented by its Public Prosecutor, High Court Buildings, Hyderabad, through PS, CCS, Hyderabad.

Respondent

Criminal Revision Case No. 857 of 2025

Between:

Dr. Athaluri @ Pachipala Namratha, W/o. Sri Venkata Krishna Prasad, Aged: 64 years, Occu: Doctor, H.No. 10-3-81, Arya Samaj Colony, Secunderabad, Pin Code – 500 003.

Petitioner

VERSUS

The State of Telangana, Represented by its Public Prosecutor, High Court Buildings, Hyderabad, through PS, CCS, Hyderabad.

Respondent

ORDER PRONOUNCED ON: 24.11.2025**THE HONOURABLE SRI JUSTICE N. TUKARAMJI**

1. Whether Reporters of Local newspapers may be allowed to see the Judgment? : Yes
2. Whether the copies of judgment may be Marked to Law Reporters/Journals? : Yes
3. Whether His Lordship wishes to see the fair copy of the Judgment? : Yes

N. TUKARAMJI, J

*** THE HON'BLE SRI JUSTICE N. TUKARAMJI**

+ CRIMINAL REVISION CASE Nos. 849, 850, 851, 852 & 857 OF 2025

% 24.11.2025

Between:

Dr. Athaluri @ Pachipala Namratha, W/o. Sri Venkata Krishna Prasad, Aged: 64 years, Occu: Doctor, H.No. 10-3-81, Arya Samaj Colony, Secunderabad, Pin Code – 500 003.

Petitioner

VERSUS

The State of Telangana, Represented by its Public Prosecutor, High Court Buildings, Hyderabad, through PS, CCS, Hyderabad.

Respondent

! Counsel for the petitioner : Mr. Nagamuthu, learned Senior Counsel

^Counsel for the respondent(s): Mr. M. Ramachandra Rao, learned Additional Public Prosecutor.

<GIST:

> HEAD NOTE:

? Cases referred

Tupakula Appa Rao v. State of Andhra Pradesh (2002 ALT 1 76)

Viswanathan v. State of Andhra Pradesh (2019 ALT 1 755)

Nara Chandrababu Naidu v. State of Andhra Pradesh, (Criminal Petition No. 6965 of 2023, dated 09.10.2023)

Rakesh Kumar Paul v. State of Assam [(2017) 15 SCC 67]

Bikramjit Singh v. State of Punjab [(2020) 10 SCC 616]

THE HONOURABLE SRI JUSTICE N.TUKARAMJI**CRIMINAL REVISION CASE Nos. 849, 850, 851, 852 & 857 OF 2025****COMMON ORDER:**

Heard Mr. Nagamuthu, learned Senior Counsel appearing for the petitioner, and Mr. M. Ramachandra Reddy, learned Additional Public Prosecutor appearing for the respondent-State.

2. Since these criminal revision cases have been filed by the petitioner seeking identical reliefs concerning related pending crimes, they are heard together and are being disposed of by this common order.

(i) **Crl. R.C. No. 849 of 2025** has been filed under Sections 438 and 442 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short, “the BNSS”), challenging the order dated 04.11.2025 passed in Crl.M.P. No. 2959 of 2025 in Crime No. 100 of 2025 (Old Crime No. 155 of 2025) registered for offences punishable under Sections 61(2), 316(2), 318(4), 336, and 111 of the *Bharatiya Nyaya Sanhita, 2023* (for short, “the BNS”), by the learned XII Additional Chief Judicial Magistrate, Hyderabad.

(ii) **Crl. R.C. No. 850 of 2025** has been filed under Sections 438 and 442 of the BNSS, challenging the order dated 04.11.2025 passed in Crl.M.P. No. 2955 of 2025 in Crime No. 102 of 2025 (Old Crime No. 157 of 2025)

registered for offences punishable under Sections 61(2), 316(2), 318(4), 335, 336, 340, and 111 of the BNS, read with Sections 39(1) and 40 of the Surrogacy (Regulation) Act, 2021, by the learned XII Additional Chief Judicial Magistrate, Hyderabad.

(iii) **Crl. R.C. No. 851 of 2025** has been filed under Sections 438 and 442 of the BNSS, challenging the order dated 04.11.2025 passed in Crl.M.P. No. 2958 of 2025 in Crime No. 99 of 2025 (Old Crime No. 154 of 2025) registered for offences punishable under Sections 61(2), 316(2), 318(4), 335, 336, 340, and 111 of the BNS, read with Sections 39(1) and 40 of the Surrogacy (Regulation) Act, 2021, by the learned XII Additional Chief Judicial Magistrate, Hyderabad.

(iv) **Crl. R.C. No. 852 of 2025** has been filed under Sections 438 and 442 of the BNSS, challenging the order dated 04.11.2025 passed in Crl.M.P. No. 2954 of 2025 in Crime No. 101 of 2025 (Old Crime No. 156 of 2025) registered for offences punishable under Sections 61(2), 316(2), 318(4), 335, 336, 340, and 111 of the BNS, read with Sections 39(1) and 40 of the Surrogacy (Regulation) Act, 2021, by the learned XII Additional Chief Judicial Magistrate, Hyderabad.

(v) **Crl. R.C. No. 857 of 2025** has been filed under Sections 438 and 442 of the BNSS, challenging the order dated 06.11.2025 passed in Crl.M.P.

(SR) No. 12899 of 2025 in Crime No. 95 of 2025 (Old Crime No. 150 of 2025 of Gopalapuram Police Station, Hyderabad) registered for offences punishable under Sections 61, 308(2), 316, 318(4), 335, 336, 340, and 111 of the BNS, by the learned XII Additional Chief Judicial Magistrate, Hyderabad.

3. Briefly stated, the relevant facts are that the revision petitioner, who is the accused in the aforementioned crimes, filed petitions under Section 187(3) of the BNSS seeking default bail. The learned Trial Court, in Crime Nos. 99 to 102 of 2025, dismissed the said bail applications, observing that the statutory period for filing the charge sheet had not yet expired and that the authority relied upon by the petitioner was factually distinguishable. Aggrieved thereby, the petitioner has preferred these criminal revision cases.

Submissions of the Petitioner:

4.1. Learned Senior Counsel appearing for the petitioner submitted that the petitioner is implicated in several crimes registered on the file of Gopalapuram Police Station, all of which arise out of the same or substantially similar transactions. The petitioner was initially taken into custody in Crime No. 147 of 2025 on 27.07.2025. It is contended that since the offences alleged in the connected crimes are *analogous in nature* and stem from the similar set of facts, the period of custody in the

first case ought to have been reckoned as deemed custody in the other cases as well.

4.2. Learned Senior Counsel further argued that, once the petitioner was in judicial custody in one of the related cases, the investigating agency was under a duty to reflect the remand period uniformly across all such similar crimes. The failure of the respondent police to do so, by not showing the petitioner as being in custody in the present cases, has resulted in a procedural irregularity affecting the petitioner's statutory right under Section 187(3) of the BNSS to seek statutory (default) bail.

4.3. It was further submitted that the learned Trial Court had, in Crime Nos. 94, 96, and 97 of 2025, granted statutory bail to the petitioner on the same reasoning, having accepted the petitioner's readiness to furnish sureties and bail bonds. However, in the present set of cases (Crime Nos. 99 to 102 of 2025), the learned Trial Court failed to appreciate that the date of first remand-i.e., 27.07.2025 was decisive for computing the period of custody for the purpose of determining whether the statutory period for filing the final report had expired.

4.4. Learned Senior Counsel placed reliance upon the decisions of this Hon'ble Court in *Tupakula Appa Rao v. State of Andhra Pradesh* (2002 ALT 1 76) and *Viswanathan v. State of Andhra Pradesh* (2019 ALT 1 755), wherein Coordinate Benches of this Court held that *when multiple*

crimes are registered against the same accused by the same police station, the period of custody in one case must be treated as deemed custody in other related crimes, even in the absence of formal arrest in those cases.

4.5. Relying on these principles, learned Senior Counsel contended that, as the allegations in all the crimes are identical or substantially similar, the date of first remand in Crime No. 147 of 2025 must be taken as the effective date of remand for the present cases as well. Consequently, the statutory period prescribed under Section 187(3) of the BNSS must be computed from that date, and since that period has already lapsed without the filing of a charge sheet, the petitioner has acquired a statutory right to bail. Accordingly, it was prayed that the petitioner be released on statutory bail in these revision cases, by applying the ratio laid down in the aforementioned precedents.

Submissions of the Respondent-State:

5.1. Learned Additional Public Prosecutor, on the other hand, opposed the revision petitions, contending that the petitioner is involved in serious and heinous offences of considerable gravity, and that the investigation is still in progress owing to the complexity and multifaceted nature of the transactions involved. It was submitted that although the crimes appear to be connected by the common element of *surrogacy-related fraud*, each

of them pertains to distinct transactions, involving different victims and circumstances. Therefore, each case must be investigated and adjudicated on its own merits and factual background, without being conflated with the others.

5.2. While the learned Additional Public Prosecutor fairly conceded that the several crimes registered against the petitioner relate to surrogacy arrangements, it was asserted that the petitioner had allegedly deceived multiple victims under separate contractual arrangements to obtain money fraudulently. Hence, it was argued that each crime necessitates independent investigation, including the examination of separate witnesses, evidence, and financial trails, and therefore, the remand and custody of the petitioner must be assessed independently for each crime.

5.3. It was further submitted that, during the course of investigation, the cases were transferred from the Gopalapuram Police Station to the Special Investigation Team (Crime Control Station) owing to their specialized and sensitive nature. The transfer of records between investigating agencies and the consequent change of jurisdiction of the Court concerned resulted in certain administrative delays in regularizing the arrest and remand proceedings. Accordingly, the prosecution argued that the petitioner's custody in each case was formally regularized on different dates by the competent Court, and therefore, for the purposes of computing the statutory period under Section 187(3) of the BNSS, the

relevant date must be reckoned from the date of such regularization and not from the date of first arrest in a separate crime. In support of the above contention, the learned counsel relied upon the judgment of the High Court of Andhra Pradesh rendered in *Nara Chandrababu Naidu v. State of Andhra Pradesh*, (Criminal Petition No. 6965 of 2023, dated 09.10.2023).

5.4. Learned Additional Public Prosecutor further contended that under Section 187(1) and (3) of the BNSS, read with the principles embodied in Sections 167(2) and 309 of the erstwhile Code of Criminal Procedure, 1973, it is incumbent upon the accused, if he claims to be in deemed custody in multiple cases, to inform the Magistrate concerned of the pendency of such other cases and seek appropriate orders for consolidation or adjustment of remand. In the present instance, however, the petitioner did not make any such representation before the learned Magistrate to treat his custody in one crime as deemed custody in others, and therefore, cannot now claim the benefit of statutory bail on that basis.

5.5. Finally, it was argued that, given the gravity of the offences, the ongoing and intricate nature of the investigation, and the distinct factual basis of each case, the date of regularization of remand alone should be taken as the commencement point for calculating the statutory period. Consequently, since the investigation remains within the permissible time

limit reckoned from that date, the petitioner is not entitled to default (statutory) bail, and the present revision cases are liable to be dismissed.

Consideration of the Court:

6. I have carefully perused the material available on record and considered the submissions advanced by the learned Senior Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

7. The petitioner is facing criminal proceedings arising from allegations relating to acts committed under the guise of surrogacy arrangements. According to the prosecution, the allegations represent three distinct facets of fraudulent conduct. However, it is not disputed that all these facets pertain to transactions concerning surrogacy and are therefore connected in substance.

8. Be that as it may, the petitioner seeks statutory (default) bail under Section 187(3) of the BNSS, which is *pari materia* with Section 167(2) of the Code of Criminal Procedure, 1973 (Cr.P.C.). The law governing the grant of statutory bail is well settled. The Hon'ble Supreme Court, in a catena of judgments, has held that the right to statutory bail is substantive, indefeasible, and arises automatically upon expiry of the statutory period prescribed for completion of investigation, where the investigating agency fails to file the charge sheet within such time. This

right, being an integral component of personal liberty under Article 21 of the Constitution of India, cannot be curtailed or diluted by procedural irregularities or by arbitrary exercise of discretion either by the investigating agency or the Courts. Once the conditions under Section 187(3) BNSS / Section 167(2) Cr.P.C. are satisfied, the Court is bound to grant bail, as the provision embodies a legislative safeguard against prolonged pre-trial detention.

9. The essence of the settled legal position, therefore, is that the entitlement to statutory bail must be determined based on the maximum punishment prescribed for the offence and the expiry of the statutory period for investigation. Once that period lapse, the accused acquires an absolute right to bail, irrespective of the merits of the case.

10. Accordingly, the central issue for consideration in the present matter is whether the essential conditions prescribed by law have been duly satisfied and whether the statutory period stipulated for the grant of bail has duly elapsed, thereby entitling the accused to seek statutory bail.

11. It is an admitted fact that the petitioner has been in judicial custody since 27.07.2025. The charge sheets in the present crimes have not yet been filed, and the investigation is still pending. The crucial issue, therefore, is whether the petitioner's custody in one case can be treated

as deemed custody in other cases, where no formal arrest or remand was shown.

12. The term “custody” contemplates the physical control or presence of the accused under the jurisdiction of the Court. As observed by this Court in *Tupakula Appa Rao v. State of Andhra Pradesh*, such custody may extend by implication to other connected crimes arising out of the same police station and set of facts.

13. In *Tupakula Appa Rao's* case, this Court, at paragraphs 19 and 20, held inter alia that where an accused is in custody in one case, and multiple cases arise from the same police station or the same set of facts, failure of the authorities to formally show arrest in each case, when such arrest could and ought to have been shown, cannot prejudice the accused. The Court observed that if the omission is attributable to the negligence of the authorities, the custody in one case shall be deemed custody in all connected cases, thereby protecting the liberty of the accused. The Court further explained that in such instances, administrative lapses must not defeat the substantive rights of the accused under the procedural law.

14. This principle has been subsequently followed and reaffirmed by this Court in *Viswanathan v. State of Andhra Pradesh*, wherein it was reiterated that the concept of deemed custody applies in cases involving

multiple offences registered by the same police station and arising out of a common factual foundation. It was clarified that even if the investigating agency failed to regularize the arrest formally, the accused is deemed to be in custody for the purpose of computing the statutory period under Section 167(2) Cr.P.C. / Section 187(3) BNSS.

15. In contrast, the learned Additional Public Prosecutor cited judgment of the High Court of Andhra Pradesh in *Nara Chandrababu Naidu v. State of Andhra Pradesh*, wherein the Court, after considering the earlier precedents in *Tupakula Appa Rao* and *Viswanathan*, held that the doctrine of deemed custody would not apply where the crimes arise from distinct transactions, are registered by different police stations, and necessitate separate investigations. Thus, that case was decided in the peculiar factual circumstances distinguishing it from cases where the offences arise from the same police station and are factually interlinked.

16. Reverting to the facts of the present case, it is evident that all the crimes herein were originally registered by the same police station, Gopalapuram Police Station, and even according to the prosecution, the petitioner's first remand was effected by that police station. The allegations against the petitioner are all centered around the common theme of surrogacy-related offences, forming part of a continuing course of conduct. Although the investigation was later transferred to the Special Investigation Team (S.I.T.), such administrative transfer cannot absolve

the investigating agency from complying with the mandatory procedural requirements under the BNSS/Cr.P.C.

17. The record clearly indicates that the petitioner was already in judicial custody as of 27.07.2025, and that the subsequent offences stem from the same series of transactions/chain of events. Consequently, as the petitioner was in the custody by the date of registration of First Information Reports (FIRs), it was incumbent upon the investigating authorities to show the arrest and remand of the petitioner in all the connected cases from the respective dates of registration of the FIRs. Their omission to do so not only reflects a lack of due diligence and non-application of mind but also runs contrary to the settled position of law governing computation of the statutory period for the purpose of default bail. As observed above, it is a well-established principle, as enunciated by the Supreme Court in *Rakesh Kumar Paul v. State of Assam* [(2017) 15 SCC 67] and *Bikramjit Singh v. State of Punjab* [(2020) 10 SCC 616], that the right to statutory or default bail under Section 167(2) of the Code of Criminal Procedure (now Section 187(3) of the BNSS) is an indefeasible right accruing to the accused upon the expiry of the prescribed period of detention, if the charge sheet has not been filed. The computation of such period must necessarily commence from the date of the first remand or the initial custody, and not from any subsequent or artificially regularized date of arrest.

18. Furthermore, the failure of the accused to inform the Magistrate regarding the pendency of other connected cases cannot be construed as acquiescence or waiver of this statutory right. Such omission does not clear the investigating agency or the Magistrate of their duty to correctly account for the remand period in accordance with law. The responsibility to ensure proper computation of custody lies squarely upon the prosecution and the Court concerned.

19. Accordingly, the learned Trial Court erred in not treating the date of registration of the first FIR as the relevant date for the purpose of computing the statutory period under Section 187(3) of the BNSS. The approach adopted defeats the very object of the statutory safeguard envisaged under the provision, which is to prevent arbitrary or prolonged detention without completion of investigation.

20. In this position, the prosecution's contention that the statutory period must be computed from the date of regularization of arrest in each case is found to be untenable. The trial Court, therefore, erred in not considering the date of the first information report as the relevant date for computing the statutory period under Section 187(3) of the BNSS.

21. Applying this reasoning, the relevant dates of registration of the FIRs are as follows:

- i. Crime No. 95 of 2025 - 01.08.2025
- ii. Crime No. 99 of 2025 - 03.08.2025
- iii. Crime Nos. 155 and 156 of 2025 - 05.08.2025
- iv. Crime No. 157 of 2025 - 07.08.2025

22. Counting from these dates up to the filing of the bail applications, the petitioner had been in custody for 95, 93, 91, 89, and 81 days, respectively. In Crime No. 102 of 2025, the statutory period of 90 days had clearly expired without the filing of a charge sheet, by the date of the impugned order. Accordingly, the trial Court ought to have granted statutory bail, and its refusal to do so constitute an error apparent on the face of record. Once the conditions under Section 187(3) BNSS are satisfied, discretion has no role, and the Court is bound to uphold the legislative mandate protecting personal liberty.

23. In view of the foregoing discussion, this Court is of the considered opinion that the petitioner is entitled to statutory (default) bail in all the crimes under revision. Accordingly, Criminal Revision Case Nos. 849 to 852 and 857 of 2025 are allowed.

The petitioner shall be enlarged on bail, subject to the following conditions:

- a) The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) with two

sureties for the like sum in each crime to the satisfaction of the learned XII Additional Chief Judicial Magistrate, Hyderabad.

- b) The petitioner shall not interfere with the investigation or tamper with the evidence collected by the prosecution in any manner.
- c) The petitioner shall be available for interrogation and cooperate with the investigating officer as and when required by the investigating officer, in the related crimes.

Pending miscellaneous applications, if any, shall stand closed.

N.TUKARAMJI, J

Date: 24.11.2025

- Note: (i) LR Copy to be marked.
- (ii) Registry is directed to communicate the copy of the order to the XII Additional Chief Judicial Magistrate, Hyderabad.
- (iii) Issue CC by tomorrow i.e. 25.11.2025.

B/o.
svl