

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

**WEDNESDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL REVISION CASE NO: 869 OF 2025

Revision filed under Section 438 & 442 of BNSS., praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to call for records in CrI.M.P Sr. no. 12902 of 2025 in Crime No. 98 of 2025 on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad at Nampally thereby allow the Criminal Revision Case by set aside the docket endorsement in CrI.M.P Sr.No. 12902 of 2025 in Crime No. 98 of 2025 on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad at Nampally.

Between:

Dr. Athaluri @ Pachipala Namratha, W/o. Sri Venkata Krishna Prasad, Aged 64 years, Occ Doctor, H.No. 10-3-81, Arya Samaj Colony, Secunderabad. 500003

... **PETITIONER**

AND

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

... **RESPONDENT**

IA NO: 2 OF 2025

Petition under Section 438 (1) BNSS praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to enlarge the petitioner on interim bail in crime no. 98 of 2025 on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad at Nampally, pending disposal of this Criminal Revision Case.

Counsel for the Petitioner : SRI. YEMMIGANUR SOMA SRINATH REDDY

Counsel for the Respondent : PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL REVISION CASE No. 869 OF 2025

ORDER:

Heard Mr. Y. Soma Srinath Reddy, learned counsel appearing for the petitioner, and Mr. M. Ramachandra Reddy, learned Additional Public Prosecutor representing the respondent-State.

2. This Criminal Revision Case is filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "the BNSS"), assailing the order dated 04.11.2025 passed in CrI.M.P. (SR) No. 12902 of 2025 in Crime No. 98 of 2025 (Old Crime No. 152 of 2025), registered for offences punishable under Sections 61(2), 316(2), 318(4), and 111 of the Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS"), by the learned XII Additional Chief Judicial Magistrate, Hyderabad.

3.1. Learned counsel for the petitioner submits that the petitioner has been arrayed as an accused in nine different crimes, including Crime No. 98 of 2025 of the CCS Police Station, Hyderabad. It is stated that the impugned petition was filed under Section 187(3) of the BNSS, seeking statutory (default) bail, but was returned by the Magistrate with an office endorsement instead of being adjudicated on merits.

3.2. It is further submitted that this Court, in its common order dated 24.11.2025 in CrI.R.C. Nos. 849 to 852 and 857 of 2025, has

already considered identical circumstances involving the same petitioner, arising from related crimes with similar factual backgrounds and registered by the same police station. In that common order, this Court held that the statutory period for the purpose of default bail must be reckoned from the date of registration of the First Information Report (FIR), where the accused was already in custody in related crimes arising from the same set of facts.

3.3. Learned counsel, therefore, contends that the said principle directly applies to the present revision, since the petitioner was already in custody as on 03.08.2025, the date of registration of the present FIR, and that the 90-day statutory period has elapsed without the filing of a final report. Hence, the petitioner has acquired right to statutory bail under Section 187(3) of the BNSS. Accordingly, it is prayed that the revision be allowed and the petitioner be released on bail.

4.1 The learned Additional Public Prosecutor contends that although the case was registered on 03.08.2025, it was subsequently transferred to the Central Crime Station (CCS) for specialized investigation owing to the complex nature of the alleged offences relating to surrogacy arrangements. It is argued that each crime involves distinct victims and independent transactions, requiring separate investigation, and that the petitioner's remand was not formally regularized in the present crime.

4.2. However, the learned Additional Public Prosecutor fairly concedes that this Court, in the common order dated 24.11.2025 in Crl.R.C. Nos. 849 to 852 and 857 of 2025, has held that where the petitioner is already in custody and the subsequent crimes arise from the same set of facts and same police station, the deemed custody principle applies, and the statutory period under Section 187(3) BNSS must be computed from the date of registration of the FIR. It is also fairly conceded that 90 days have elapsed by the date of the petition and the order of return endorsement. The State, thus, prays that appropriate orders be passed in accordance with law.

5. I have carefully perused the material on record and considered the submissions advanced by both learned counsel.

6. It is undisputed that the petitioner is accused in a series of crimes revolving around surrogacy-related transactions, many of which share a common factual substratum. In several connected matters, the petitioner had filed petitions seeking statutory bail under Section 187(3) of the BNSS, which were disposed of by this Court through a common order dated 24.11.2025 in Crl.R.C. Nos. 849 to 852 and 857 of 2025.

7. In the said common order, particularly in paragraphs 16 to 20, this Court elaborately examined the legal position and held as follows:

"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."

8. The above findings, grounded in authoritative precedent and sound reasoning, directly govern the facts of the present revision.

9. In the present case, Crime No. 98 of 2025 was registered on 03.08.2025, by which time the petitioner was already in judicial custody in connected crimes. Therefore, consistent with the doctrine of deemed custody as propounded in *Tupakula Appa Rao v. State of A.P.*, 2002 ALT 176, and reaffirmed in *Viswanathan v. State of A.P.*, 2019 ALT 755, the

petitioner's custody in one case must be treated as custody in all factually interlinked crimes arising from the same police station and chain of transactions.

10. Applying this principle, the statutory period of 90 days for completion of investigation and filing of a final report under Section 187(3) BNSS must be computed from the date of registration of the present FIR (03.08.2025). By the date of filing of the present petition and even by the date of the impugned return endorsement, the said 90-day period had undoubtedly expired, and no charge sheet had been filed.

11. As held by the Hon'ble Supreme Court in *M. Ravindran v. Intelligence Officer, Directorate of Revenue Intelligence* [(2021) 2 SCC 485], once the statutory period lapses without the filing of a final report, the right to statutory bail becomes infeasible and cannot be defeated by procedural lapses or administrative delays. Such right forms part of the fundamental guarantee of personal liberty under Article 21 of the Constitution of India. Hence, the Magistrate was in error in returning the petition instead of granting bail as a matter of right.

12. In view of the foregoing discussion, this Court holds that:

- a) The crime was registered on 03.08.2025, when the petitioner was already in custody.
- b) The 90-day statutory period for investigation has elapsed.

c) The charge sheet has not been filed.

d) The petitioner is ready to furnish bail bonds and sureties.

Accordingly, the petitioner is entitled to statutory/default bail under Section 187(3) of the BNSS in Crime No. 98 of 2025.

13. The Criminal Revision Case is accordingly 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 Crime No. 98 of 2025 (CCS Police Station, Hyderabad), to the satisfaction of the learned XII Additional Chief Judicial Magistrate, Hyderabad.

b) The petitioner shall not tamper with evidence or influence witnesses in any manner.

c) The petitioner shall cooperate with the investigation and appear before the investigating officer as and when required in all connected crimes.

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

SD/-N.SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Additional Chief Judicial Magistrate, Hyderabad.
2. The Superintendent, Chanchal Guda Central Prison, at Chanchalguda, Hyderabad (Spl. Messenger)
3. One CC to SRI YEMMIGANUR SOMA SRINATH REDDY Advocate [OPUC]
4. One CC to THE PUBLIC PROSECUTOR, High Court for the State of Telangana, Hyderabad.(OUT)
5. Two CD Copies

HIGH COURT

DATED:26/11/2025



ORDER

CRLRC.No.869 of 2025

ALLOWING THE CRLRC

⑦
27/11/25
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