

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No.W.P.No.11149 of 2026

PROCEEDING SHEET

Sl.No.	DATE	ORDER	Office Note
07.	10.08.2026	<u>RNT, J & PKC, J</u> Heard Sri P. T. Reddy and Sri K. B. S. Mani Kumar, learned counsels on behalf of the petitioner representing M/s. Amaravati Law Chambers, Sri Krishna Praneeth, learned Government Pleader in the office of the learned Advocate General for the respondents 1 to 4 and Smt. N. Sasikala, learned counsel for the 5th respondent. 2. On 04.08.2026, we passed the following order: <i>“Heard Sri P.T. Reddy and Sri K.B.S. Mani Kumar, learned counsel representing M/s Amaravati Law Chambers, learned counsel for the petitioner, Sri I. Krishna Praneeth, learned Assistant Government Pleader attached to the Office of the learned Advocate General, appearing for respondent Nos.1 to 4 and Ms. N. Sasikala, learned counsel appearing for the 5th respondent.</i> <i>2. This Writ Petition has been filed by the mother of minor child, aged about four years, who is presently in the custody of 5th respondent–father. The petition is for writ of habeas corpus, raising various apprehensions regarding the well-being of the minor child.</i> <i>3. Notice was issued to 5th respondent by order dated 24.04.2026. On the next date of hearing, i.e., 08.05.2026, as per the office report, the notice was returned unserved with</i>	

		<i>the endorsement "Addressee absent". Therefore, fresh notice was ordered to be issued to 5th respondent, returnable by 29.06.2026.</i> <i>4. On 14.07.2026, Sri Sudheer Ramineni, learned counsel, appeared through virtual mode and submitted that he had received instructions to appear on behalf of the 5th respondent and would file vakalat by the next date, i.e., 15.07.2026. The matter was directed to be listed on 21.07.2026. It was further provided that the petitioner and the 5th respondent shall appear before this Court on the date fixed and the 5th respondent shall also produce the minor child before this Court.</i> <i>5. On 21.07.2026, Ms. N. Sasikala, learned counsel appearing for 5th respondent, submitted that, owing to her illness and hospitalization, the order dated 14.07.2026 could not be communicated to the 5th respondent and, consequently, the 5th respondent could not appear before this Court. She sought one week's time to comply with the order dated 14.07.2026. This Court provided that, on the next date of hearing, the parties shall appear before this Court along with their counsels, so also with minor child before this Court.</i> <i>6. On 28.07.2026, the petitioner was present along with her learned counsel.</i> <i>7. Learned counsel appearing for the 5th respondent submitted that the 5th respondent could not appear before this Court due to certain threats/perceptions and sought time to file an appropriate application in that regard. Time was granted to file the application along with an affidavit. The matter was fixed for today i.e., 04.08.2026.</i> <i>8. Today, Ms. N. Sasikala, learned counsel appearing for the 5th respondent, submits that an application, along with an affidavit, has been filed today before the Registry vide U.S.R.No.86294 of 2026 and that the same is under scrutiny.</i> <i>9. In the morning session, the matter was</i>	
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		<i>called and passed over. Thereafter, the matter is taken up again in the post-lunch session. The application is not placed on record, as certain objections have been raised by the Registry and so application not being in order.</i> <i>10. The 5th respondent has not appeared before this Court. The minor child has also not been produced.</i> <i>11. Though the application is not yet on record, but considering the submissions advanced by Ms. N. Sasikala, learned counsel appearing for the 5th respondent, about apprehensions of some threat, without observing anything on such threat perception on merits of such apprehension, to ensure compliance with the Court's order dated 14.07.2026 & 21.07.2026 for the production of the 5th respondent along with the minor child before this Court, as the petitioner's counsel has also expressed concerns about the well being of the child, we deem it appropriate to issue the following interim directions:</i> <i>i) The Commissioner of Police, Vijayawada City, NTR District, shall ensure production of the 5th respondent and the minor child before this Court on 10.08.2026, under the protection to the 5th respondent, to ensure his safe production along with the minor child before this Court.</i> <i>ii) As the respondent No.5 is at State of Jharkhand (i.e. another State) the Director General of Police of Andhra Pradesh shall look into this matter, and shall take necessary steps, to ensure compliance with this order, and if so required by making requisite correspondence with the officers/officials of Police Department in the State of Jharkhand.</i> <i>iii) The Director General of Police, Andhra Pradesh shall also assess the threat perceptions, and if those appear to be real and of grave nature involving high risk to the respondent No.5 and the child, for production before this Court on the date fixed, a report shall be submitted to this court.</i> <i>iv) In such a case (as in para (iii) supra),</i>	
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		<i>the appearance of the 5th respondent and the child shall be ensured through video conference.</i> <i>v) The direction in para i supra shall be subject to the direction in (iii) & (iv). 12. List on 10.08.2026.”</i> 3. Challenging the said order, the 5th respondent herein approached the Hon'ble Apex Court in S.L.P. (Crl.) No.14413 of 2026, which has been disposed of by order, dated 07.08.2026 in the following terms: <i>“Heard Ms. Anitha Shenoy, learned senior counsel appearing for the petitioner. 2. Learned senior counsel for the petitioner submits that appearance of the petitioner on 10th August, 2026 may be permitted through video conferencing. 3. The petitioner along with the child, may on 10th August, 2026 appear through video conferencing but if the High Court is of the opinion that the personal presence of the petitioner and the child are required, the High Court may take up the matter on an early date and pass appropriate orders. 4. With the above observations, the Special Leave Petition is disposed of. 5. Pending application shall also stand disposed of.”</i> 4. In the order, dated 04.08.2026, we <i>inter alia</i> provided in point No.(iv) in paragraph No.11 that in such a case as in paragraph (iii) (<i>supra</i>) the order dated 04.08.2026, the appearance of the 5th respondent and the child shall be ensured through video conference.	
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		5. The Hon'ble Apex Court has provided that the 5th respondent/petitioner along with the child may on 10.08.2026 appear through Video Conferencing but if the High Court is of the opinion that the personal presence of the petitioner and the child are required, the High Court may take up the matter on an early date and pass appropriate orders. 6. The petitioner is present along with the learned counsels namely Sri P. T. Reddy and Sri K. B. S. Mani Kumar, representing M/s. Amaravati Law Chambers. 7. The 5th respondent is also present through virtual mode along with the child. He has been identified by his learned counsel namely Smt. N. Sasikala. 8. Pursuant to the order, dated 04.08.2026, the Director General of Police, Andhra Pradesh, Mangalagiri has submitted a report, <i>vide</i> Rc.No.468/F6/2026, dated 09.08.2026, which along with the letter of the learned Advocate General, dated 10.08.2026 is addressed to the Registrar (Judicial) of this Court and is placed on record. 9. As per the said report in point No.2, the assessment and evaluation of threat perception to the 5th respondent was made and	
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		it has been recorded as follows: <i>"I. In compliance with Paragraph 11(iii) of the Hon'ble High Court's directions, the alleged threat perception raised by Respondent No.5 was specifically evaluated during statement collection and field inquiry.</i> <i>II. The petitioner's family consists of two senior citizens (her 64 year-old father and 62-year old mother), the petitioner herself (a female working and residing in the USA), and her brother (aged 26 years). None of these individuals pose any physical threat, security risk, or harm to respondent No.5 or the minor child.</i> <i>III. A comprehensive background check of the petitioner and her family members was conducted across the CCTNS database, which confirmed NIL past criminal records or antecedents.</i> <i>IV. Under the explicit instructions of the Commissioner of Police, NTR Commissionerate, Inspector of Police (CI), Patamata Police Station recorded detailed statements from the petitioner and key witnesses. In their recorded statements, the petitioner and her family members explicitly affirmed that they have never extended any threats to Respondent No.5 and only seek the safe, lawful production of the minor child before the Court. Consequently, the threat apprehension claimed by Respondent No.5 is completely unfounded and groundless."</i> 10. In paragraph -3 in point No.VIII, of the report it has been mentioned as under: <i>"VIII. Continuous Field Operations and Active Pursuit by ACP Mahila PS (Ongoing):</i> <i>Demonstrating maximum bonafide intent to execute the directions of the Hon'ble High Court, Sri T. Daiva Prasad, ACP, Mahila UPS, along with the special investigation team, is currently stationed and actively operating on the field (Jharkhand</i>	
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		<i>State). During these ongoing filed operations, it was ascertained that Respondent No.5 (Swaraj Kundu) is deliberately absconding along with the minor child to evade court processes and police detection. Despite extensive local raids and search operations, the accused remains in hiding; however, ACP, Mahila PS continues to remain actively on the field (Jharkhand State), pursuing every lead to trace them and enforce the orders of the Hon'ble High Court."</i> 11. Smt. N. Sasikala, learned counsel for the 5th respondent submits that since the 5th respondent's father is unwell and is taking treatment at Ranchi, presently the 5th respondent is with the daughter at Ranchi. Consequently, the door and house of the 5th respondent at Jamshedpur is closed. She submits that the daughter, is in safe custody of his father and he is taking good care of her, and it is noticing like evading the Court process. 12. Sri Krishna Praneeth, learned Government Pleader in the office of the learned Advocate General has placed before us Rc.No.100/CCRB/NTR/2026, dated 09.08.2026 of the Commissioner of Police, N.T.R. Commissionerate, Vijayawada and submits the police have taken several steps for the production of the 5th respondent before this Court along with the minor child and prayed for	
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		further time to secure the safe protection of the 5th respondent and the minor child before this Court. 13. He further submits that on the point of providing security to the 5th respondent and the child, paragraph – 3 of the written instructions reads as under: <u>“3. Providing of security to the respondent No.5:</u> <i>It is respectfully submitted that though there is no threat to the respondent No.5, on his apprehension, if the respondent No.5 cooperates with the police, the police team present in Jharkhand will provide adequate security for physical appearance before the Hon’ble High Court of AP. The police will also provide necessary security for his stay in Vijayawada and see that he is safely returned to Jharkhand. The same was also informed to counsel for respondent No.5 by the ACP, Mahila UPS.”</i> 14. Memo dated 07.05.2026 has been filed from the petitioner’s side annexing certain photographs, school fee payment transaction history, child certificate of eligibility with a request to consider the said documents in the Writ Petition. 15. List on 24.08.2026. 16. On that date, the 5th respondent with the child shall appear before this Court, as, at this stage, we are satisfied that: a) There are no such threat perceptions	
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		that he cannot appear before this Court personally with the child; b) His personal presence along with the child would be helpful and useful; (i). for the mother to meet the child and (ii). The parties may be referred to the mediation centre of this Court for amicable resolution of the dispute and c) The Commissioner of Police, N.T.R. Commissionerate, Vijayawada has assured to provide adequate security etc. in terms of letter dated 09.08.2026. 17. There appears to be fair chances of amicable resolution of the dispute. 18. In the meantime, no coercive steps would be taken against 5th respondent or his family, pursuant to any criminal case filed by the wife/petitioner against the 5th respondent and his family. 19. Let a copy of the report be served to the petitioner as also to the 5th respondent. 20. Let the written instructions filed by the Commissioner of Police be brought on record on affidavit. _____ RNT,J _____ PKC,J KPV	
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