



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3558]

MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION No.33160 of 2025

Between:

1.MALLEBOINA RAJESWARI, W/O BALARAJU, AGED ABOUT
67 YEARS, OCC. HOUSE WIFE, R/O. 7-1, RACHERLA
VILLAGE, PRAKASAM DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY-HOME DEPARTMENT, SECRETARIAT
BUILDINGS, VELAGAPUDI AT AMARAVATI

2.THE DIRECTOR GENERAL OF POLICE, MANGALAGIRI,
GUNTUR DISTRICT, ANDHRA PRADESH

3.THE SUPERINTENDENT OF POLICE, PRAKASAM DISTRICT,
ONGOLE.

4.THE DEPUTY SUPERINTENDENT OF POLICE,
MARKAPURAM DIVISION, MARKAPURAM, PRAKASAM
DISTRICT.

5.THE CIRCLE INSPECTOR, GIDDALUR RURAL CIRCLE

POLICE STATION, GIDDALUR, PRAKASAM DISTRICT

6.THE SUB-INSPECTOR OF POLICE, RACHERLA POLICE STATION, RACHERLA, PRAKASAM DISTRICT.

7.THE SUB-INSPECTOR, KOMAROLU POLICE STATION, KOMAROLU, PRAKASAM DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1.JOSEPH PREM KUMAR KUMMARIKUNTA

Counsel for the Respondent(S):

1.THE ADVOCATE GENERAL

The Court made the following:

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
AND**

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION No.33160 of 2025

ORDER: *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

Heard learned counsel for the petitioner and learned Assistant Government Pleader attached to the office of the learned Advocate General appearing for the respondents.

2. The corpus, by name Malleboina Vinod Kumar, is an employee working in the Indian Army. He has been deployed to work at a place of high-altitude at the border of the country. The petitioner is the mother of the corpus. It is stated that the corpus has received summons from the Court of Additional Civil Judge (Junior Division), Giddalur, through army authorities and when he reached Delhi on his way to attend the Court at Giddalur, which has issued summons against him, the police arrested him in Delhi on 25.11.2025 at about 6.15 pm. and they have taken him to Moulana Azad Medical College and Lok Nayak Hospital in new Delhi to undergo medical tests and thereafter, his whereabouts are not known. Therefore, the petitioner, who is the mother of the corpus, has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India and filed this writ of habeas corpus seeking direction to the

7th respondent to produce the corpus, who is presently in the custody of the 6th respondent, before this Court and to set him at liberty.

3. Learned Assistant Government Pleader, on instructions, submits that a case in Crime No.19 of 2025 was registered against the corpus in Racherla Police Station of Prakasam District for the offences punishable under Sections 79, 232 and 351(2) of BNS and the police have investigated the said case and filed charge sheet against him before the Additional Judicial Magistrate of First Class, Giddalur, and as the corpus was absconding, the Court has issued a non-bailable warrant against him to secure his presence for trial. He further submits, on instructions, that in execution of the said non-bailable warrant, the corpus was arrested on 25.11.2025 at 6.15 p.m. in Delhi and thereafter, he was produced before the Court and was remanded to judicial custody and he is now lodged in Sub-Jail, Giddalur.

4. Learned counsel for the petitioner, also, fairly conceded that a case in Crime No.19 of 2025 was registered against the corpus in Racherla Police Station. The petitioner has also admitted the said fact in the pleadings of the writ petition. The fact that after filing of the charge sheet, the said case was registered as C.C.No.366 of 2025 on the file of the aforesaid Court was also clearly admitted in para 6 of the writ petition.

5. Therefore, when a crime was registered against the corpus and when charge sheet was filed after completion of investigation against him and when the trial Court issued a non-bailable warrant to secure his presence for trial and when he was arrested by the police in execution of the said non-bailable warrant, it cannot be said under any stretch of reasoning that his arrest was illegal or that he has been in illegal confinement or detention so as to entertain this writ petition for habeas corpus. The petitioner or the corpus has to take recourse to law by filing an application for grant of bail to the corpus before the concerned Court.

6. Therefore, this writ petition is dismissed, leaving it open to the petitioner or the corpus to file an appropriate application for grant of bail to the corpus before the concerned Court. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, in this case shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 01.12.2025
IBL

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION No.33160 of 2025

Dt: 01.12.2025

IBL