

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.6108 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit the petitioner herein prayed that this Hon'ble Court may be pleased to issue writ order or direction especially one in the Nature of Writ of Mandamus declaring the action of the 3<sup>rd</sup> respondent in interfering with the personal liberty of the petitioners and calling them to the police station regularly is illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the 3<sup>rd</sup> respondent not to interfere with the personal liberty of the petitioners and not to harass them by calling them to police station and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of *Smt. V.Jayasree*, learned counsel representing Sri Ch.Ravinder, learned counsel appearing for the petitioners; and, of the learned Government Pleader for Home (TS) appearing for respondents 1 to 3. I have perused the material record.

3. The facts, which are necessary to be stated as a preface to this order, in brief, are as follows:

The petitioners are accused 1 to 3 in case in Crime no.438 of 2017 on the file of Khanapuram Haveli Police Station. They were granted anticipatory bail; *vide* orders, dated 28.11.2017, by the learned Principal Sessions Judge, Khammam. The operative portion of the said order reads as under:

i) The police P.S.Khanapuram Haveli are directed to release the petitioners in the event of their arrest in connection with the FIR No.438/17 of P.S.Khanapuram Haveli on furnishing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two

sureties for like-sum to the satisfaction of the Station House Officer, P.S.Khanapuram Haveli.

ii) The petitioners shall present before the police, Khanapuram Haveli on every Sunday for a period of three months between 9.00 A.M. to 9.00 PM.”

(Reproduced verbatim)

4. According to the petitioners, after obtaining the aforesaid orders, they went to the police station on 08.12.2017, 10.12.2017 and 17.12.2017 to furnish sureties; but, the 3<sup>rd</sup> respondent-Station House Officer, Khanapuram Haveli Police Station, has not accepted the sureties; and, directed the petitioners to come on 24.12.2017 and that accordingly, the petitioners went to the police station along with sureties, on 24.12.2017, and that on that day instead of accepting the sureties, as per the orders of the learned Sessions Judge, the 3<sup>rd</sup> respondent insisted upon the petitioners to sign on blank papers and that the petitioners came out of the police station with great difficulty and that for no fault of the petitioners, the police officers are insisting upon them to compromise the matter with M/ s GVR Food Products; and, that even thereafter also, a few days prior to filing of the writ petition, the police visited the house of the petitioners and pressurized them to settle the matter with the said concern; and that, therefore, the present writ petition is filed.

5. Learned Government Pleader, on written instructions, would submit that the allegations in the writ petition are false and that anticipatory bail orders were obtained long time back, that is, on 28.12.2017, and that the petitioners did not produce sufficient sureties as per the orders of the learned Sessions Judge and therefore, the Investigating Officer asked the petitioners to produce proper and required sureties as directed in the orders of the said Court and that the Investigating Officer is ready and willing to accept the sureties as and when the petitioners approach the Investigating Officer. He would further

submit that the overt acts alleged and attributed to the police officers are false and they are invented for the purpose of filing this writ petition.

6. Having regard to the facts & submissions, this Court is of the considered view that this writ petition can be disposed of with appropriate directions:

7. In the result, the Writ Petition is disposed of directing the 3<sup>rd</sup> respondent to implement the orders, dated 28.11.2017, of the learned Principal Sessions Judge, Khammam, passed in CrI.M.P.No.1353 of 2017 in Crime No.438 of 2017 of Khanapuram Haveli Police Station, on the petitioners furnishing personal bonds as directed in the said orders, however, in the presence of the counsel for the petitioners. Accordingly, the petitioners shall approach the police officer/ 3<sup>rd</sup> respondent along with their counsel for the aforesaid purpose within two weeks from the date of receipt of a copy of this order. And, on the petitioners approaching the police officer/ 3<sup>rd</sup> respondent accordingly, he shall do the needful in strict accordance with the procedure established by law and shall not insist upon the petitioners to sign on any blank papers. Nonetheless, after such execution of the bonds, it is needless to state that the petitioners shall be present before the Police, Khanapuram Haveli P.S between 9 AM and 9 PM on every Sunday for a period of three months, unless the said direction is relaxed by the learned Principal Sessions Judge, Khammam.

No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

19.03.2018  
RAR

M. SEETHARAMA MURTI, J