

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8888 of 2021

O R D E R:

This Court by order dated 22.12.2021 had granted bail to Accused Nos. 1 and 2 and in the said order, it is observed that it is the contention of the petitioner that he was arrested on 15.10.2021 and in the Habeas Corpus Petition, it is shown that petitioner was arrested on 20.10.2021. Learned counsel for the petitioners submitted that from 15.10.2021 to 20.10.2021, the petitioners were in illegal custody. In fact, the son of the first petitioner sent Whats App messages to the police and along with this criminal petition, the learned counsel also filed cc tv footage to show that the constables and other officers of Nalgonda Police Station have taken petitioner No.1 while he was coming from market on 15.10.2021 at 09.30 a.m. Hence, this Court granted bail to the petitioners and directed the officers concerned to file a detailed counter.

2. A counter-affidavit is filed by the Inspector of Police, Nalgonda I Town Police Station, wherein all the allegations made by the petitioners were denied. It is stated that the petitioners were arrested only on 20.10.2021 and they have also furnished a list of cases to show that about 21 cases were registered from 2013 to 2021 against Accused No.1 and two cases were registered against Accused No.2 and submitted that the petitioners are habitual offenders. Further, it is stated that the photos enclosed to the Criminal Petition do not relate to any of the police officials of Nalgonda I Town Police Station. It is also stated that for the purpose of filing this petition, all these events were invented.

3. A reply-affidavit is filed by petitioner No.1 reiterating the earlier contentions and also stating that no scrap of paper is filed to show that the petitioners are accused and in some of the cases, the petitioners have already been acquitted.

4. Looking at the allegations and counter-allegations, they being the disputed questions of fact, which this Court cannot decide the same in this Criminal Petition. However, the petitioners are at liberty to initiate appropriate proceedings if they are aggrieved by the action of the respondent-police.

5. Accordingly, the Criminal Petition is closed.

LALITHA KANNEGANTI, J

01st February 2022

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