



2026:AHC:174151

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 1097 of 2026

Km. Manushi Baghel (Minor) And Another

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sangeeta Shukla, Sushil Kumar Chaturvedi
Counsel for Respondent(s)	:	G.A.

Court No. - 73

HON'BLE SANDEEP JAIN, J.

Supplementary affidavit and personal affidavit of respondent Nos.4 to 6 filed today are taken on record.

By order dated 04.08.2026, the State was directed to produce the corpus, Km. Manushi Baghel, before this Court. In compliance thereof, the corpus has been produced before the Court by Sri Anuj Kumar, S.I. and Sri Shyam Narayan Tripathi, S.I., Police Station Malpura, District Agra.

This Court could not meaningfully interact with the corpus as she is only about three years of age. Nevertheless, from her demeanour, it was apparent that she was completely at ease in the lap of the petitioner, Surendra Singh, her father, and shared a strong emotional bond with him.

This Court also interacted with the petitioner, Surendra Singh, who disclosed that he is serving in the Air Force and is earning approximately Rs.1,00,000/- per month. His pay slip for the month of July, 2026 has also been annexed with his affidavit. From the material placed on record, it is evident that the petitioner is financially capable of maintaining and adequately looking after the minor corpus.

The petitioner further stated that he has contracted a second marriage with Gudiya, and a son has also been born out of the said wedlock. He assured the Court that he would take proper care of the corpus, provide her with good education in a reputed school and make every endeavour for her proper upbringing and development so as to enable her to become a

responsible citizen of the country.

This Court also interacted with respondent Nos. 4 to 6, who are the maternal grandparents and maternal uncle of the corpus. They claimed custody of the corpus on the ground that, after the death of her mother, they have been taking care of her since infancy. They further alleged that the petitioner had not taken proper care of the corpus till date and submitted that the present petition has been instituted only after respondent No. 4 addressed a letter to the petitioner's Commanding Officer seeking maintenance for the corpus, with a view to avoid the liability of paying such maintenance.

The private respondents submitted that the custody of the corpus ought to continue with them, as they have been looking after her since infancy. However, respondent No. 6 admitted that he has two children of his own, while respondent Nos. 4 and 5 admitted that they have five children to look after.

Upon consideration of the material available on record, the interaction with the parties and, more particularly, the demeanour of the corpus before this Court, it is evident that the petitioner is financially capable of maintaining the minor corpus and there is no legal impediment to his assuming her custody. The corpus was also found to be comfortable and emotionally attached to the petitioner, who is her natural father.

It is well settled that, in matters relating to the custody of a minor, the paramount consideration is the welfare and best interest of the child, and not merely the legal right of any particular claimant. Keeping in view the overall circumstances of the case, including the age of the corpus, her emotional bonding with the petitioner, his financial capacity and his willingness to take responsibility for her upbringing and education, this Court is of the considered opinion that the welfare of the corpus would be best served by placing her custody with her father, the petitioner, Surendra Singh.

Accordingly, the custody of the minor corpus, Km. Manushi Baghel, is handed over to the petitioner, Surendra Singh, her father.

At the same time, this Court is conscious of the emotional bond which the corpus has with her maternal grandparents and maternal uncle, who have admittedly been taking care of her since infancy. In order to preserve and nurture such relationship, respondent Nos. 4 to 6 shall have visitation rights. They shall be at liberty to visit the residence of the petitioner, Surendra Singh, at any reasonable time, with prior intimation, for the purpose of meeting and interacting with the corpus. They shall also be entitled to interact with the corpus through video conferencing on a daily basis between 6:00 p.m. and 9:00 p.m.

The petitioner shall extend all reasonable cooperation in facilitating such visitation and video interaction and shall not create any unnecessary hindrance therein. Likewise, respondent Nos. 4 to 6 shall maintain the dignity of the relationship and shall not do anything which may adversely affect the emotional well-being of the minor corpus.

With the aforesaid observations and directions, the instant habeas corpus petition stands **disposed of**.

(Sandeep Jain,J.)

August 18, 2026
Himanshu