

Reserved on 27.5.2026

Delivered on 08.6.2026



2026:AHC:126167-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
HABEAS CORPUS WRIT PETITION No. - 459 of 2026**

Ajay Tiwari and another

.....Petitioner(s)

Versus

The State of U.P. and 5 others

.....Respondent(s)

Counsel for Petitioner(s)	:	Aditi Pandey, Ramesh Kumar Tiwari
Counsel for Respondent(s)	:	G.A.

In Chamber

**HON'BLE SIDDHARTH, J.
HON'BLE VINAI KUMAR DWIVEDI, J.
(Delivered by Hon'ble Siddharth, J.)**

1. Heard Sri Ramesh Kumar Tiwari, learned counsel for the petitioners; Sri G.N. Kanaujia, learned AGA for State-respondents and perused the material on record.

2. The present habeas corpus writ petition has been filed by learned counsel for the petitioners seeking the following reliefs:-

I. Issue a writ, order or direction in the nature of HABEAS CORPUS or any other appropriate writ, directing the Respondents herein to produce

and release the corpus/Petitioner No. 1 from their illegal custody, while declaring the arrest, detention and remand of Petitioner No. 1 as illegal, null and void for not following the direction of the Hon'ble Supreme Court in Mihir Rajesh versus State of Maharashtra and Another;

ii. issue a writ, order or direction in the nature of Certiorari quashing the remand order dated 19.04.2026 passed by Learned Magistrate, Mirzapur District Court, Mirzapur;

iii. Issue a writ, order or direction in the nature of Mandamus directing Respondent No. 1 to initiate departmental enquiry against erring police officials and grant compensation to Petitioner No. 1, as deem fit by this Hon'ble Court;

iv. Award the cost of the Petition in favour of petitioner.

3. The brief facts of the case are that petitioner no.1 was illegally taken into custody by Jigana Police Station officials at 3:28 a.m. on 17.4.2026 in the morning.

4. Learned counsel for the petitioners has submitted that, subsequent to illegal detention, an F.I.R. had been registered at Jigana Police Station at 6:00 a.m. on 17.04.2026. The Additional Superintendent of Police, Mirzapur, at 2:00 p.m. on 17.04.2026, appeared before the media and stated that petitioner no.1, Ajay Tiwari, had been arrested by the police. The postmortem report of deceased indicates a natural death. The Station House Officer, Jigana Police Station, Sri Sanjay Singh; Constable Sunil Rai, and the Investigating Officer of the case, Sri Awadhesh Singh, started demanding money from the petitioner no.1 and his family members. Sub-Inspector Awadhesh Singh forcibly took ₹10,000 in cash and a blank cheque of ₹50,000 from the father of Petitioner No. 1. The cheque was got encashed by the concerned Sub Inspector aforesaid in the name of one Deepak Singh from bank account of father of petitioner

no.1. Sri Sanjay Singh, the then S.H.O., was demanding Rs.3 lakhs through Constable Sunil Rai from father of petitioner no.1. All CCTV cameras of Jigana Police Station were shut down/closed for four days on the instructions of S.H.O., Sri Sanjay Singh. Counsel for Petitioner No. 1 was receiving phone calls and text messages from Jigana Police Station stating that they would release Petitioner No. 1 by challaning him under Section 170 BNSS once the amount was received. However, counsel approached the Hon'ble Chief Justice of this Hon'ble Court by sending an email, a copy of which was forwarded to the Superintendent of Police, Mirzapur. Various calls were made on the CUG number of the Superintendent of Police; however, the same went unanswered.

5. On 19.04.2026 at 1:47 p.m., a phone call from 8542885122 was received by Mr. Mukesh Shukla, brother-in-law of Petitioner No. 1, and he was officially informed by the police that the petitioner no.1, Ajay Tiwari, had been arrested. However, in the arrest memo, it is shown that Ajay Tiwari was arrested on 18.04.2026 at 11:45 p.m. It is relevant to mention that, as per the direction of the Hon'ble Supreme Court, a copy of the F.I.R. is to be uploaded within 24 hours, but till now, i.e., 21.04.2026 at 11:30 a.m., no F.I.R. has been uploaded by the concerned police of P.S. Jigana on website. All CCTV cameras were made non-functional so that inmates of Police Station Jigana can legalise their actions. The police produced Petitioner No. 1 before the learned Remand Magistrate at 7:00 p.m. on 19.04.2026. The petitioner no.1 filed two applications opposing the remand and all relevant facts, including the fact of illegal detention of petitioner no.1, were brought to the notice of

the learned Magistrate. However, the learned Magistrate opted to send Petitioner No. 1 to judicial custody.

6. Learned AGA has filed counter affidavit had stated therein that the petitioner alongwith co-accused was arrested on 18.4.2026 at 23:45 hours and was produced before the Remand Magistrate on 19.4.2026. It has been denied that the petitioner was arrested at 3:28 a.m. on 17.4.2026. It has further been submitted that petitioner and other co-accused fired on the chest of the deceased and he died. There is allegation in paragraph no. 10 of the writ petition that amount of Rs.10,000/- was taken in cash by Sub Inspector, Awadhesh Singh and blank cheque of Rs.50,000/- was taken from the father of petitioner no.1 wherein the name of Deepak Singh was mentioned and it was got encashed on 17.4.2026 itself, but it has not been specifically denied.

7. In the rejoinder affidavit filed by the petitioner, he has brought on record the bank statement of account of the father of petitioner No. 1, which shows the transfer of Rs.50,000 via cheque in favour of Deepak Singh was made on 17.4.2026.

8. After hearing the rival submissions, this Court finds that the allegations made in paragraphs of the writ petition have been vaguely denied, and no specific reply has been given as to whether Sub-Inspector Awadhesh Singh forcibly took ₹10,000 in cash and a blank cheque of ₹50,000 from the father of petitioner No. 1 and got the same encashed in the name of Deepak Singh. There is no specific denial that the SHO Police Station Jigana, was demanding Rs.3 lakhs through Constable

Sunil Rai, and that the CCTV camera of Police Station Jigana was shut down for four days. Report on No. 112 shows that the petitioner was arrested on 17.04.2026 and information in this regard was given on the aforesaid number. However, in the counter affidavit, it has been stated that the petitioner, along with the co-accused, was arrested on 18.04.2026 at 23:45 hours.

9. There is allegation of causing murder of deceased by firing on his chest but cause of his death has been found to uncertain by the doctor.

10. We find that the averments in writ petition have not been specifically denied in the counter affidavit with reference to any material brought on record. The bland denials in the counter affidavit filed by respondents clearly amount to admission.

11. It is settled law that evasive denial/ lack of specific denial to the allegations/ pleadings amounts to admission.

12. In view of the above, the aforesaid habeas corpus writ petition is **allowed**. The arrest of Petitioner No. 1 is held to be illegal. He is entitled to be released forthwith.

13. However it shall be open for respondents to proceed against the petitioner in accordance with law afresh.

(Vinai Kumar Dwivedi,J.) (Siddharth,J.)

June 8, 2026
Ruchi Agrahari