



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION HABEAS CORPUS NO. 17 OF 2026

BETWEEN:

MR.IRFAN
S/O.HAMSA PALLAIYALLI,
AGED ABOUT 19 YEARS,
R/AT KUDALLUR ANAKKARA,
PO. KUDALLUR, PALAKKAD DISTRICT,
KERALA-679554.

...PETITIONER

(BY SRI. AMAR ALEXANDER CORREA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
HOME DEPARTMENT VIDHANA SOUDHA,
BENGALURU-560001
REPRESENTED BY SECRETARY.
2. THE COMMISSIONER OF POLICE
MYSORE CITY, MIRZA ROAD,
NAZARABAD LOKARANJAN MOHAL ROAD,
MYSORE-570010.
3. THE STATION HOUSE OFFICER,
NAZARABAD POLICE STATION,
DEVARAJA SUB-DIVISION,
MYSURU CITY -570010.

...RESPONDENTS

(BY SRI.B.A. BELLIAPPA SPP-I A/W SRI.THEJESH.P HCGP)

Digitally
signed by
REKHA R
Location:
High Court
of
Karnataka



THIS WP(HC) IS FILED UNDER ARTICLE 226 AND 227 OF CONSTITUTION OF INDIA, BY THE PETITIONER, WHEREIN PRAYS THAT THE HONBLE COURT MAY BE PLEASED TO DIRECT THE RESPONDENTS TO PRODUCE THE CORPUS OF THE DETENUE BY NAME SRI.PALLIYALIL HAMSA, S/O MOIDEENKUTTY PALLIYALLI AGED ABOUT 65 YEARS, R/AT SOUTH PALLAR, THIRUNAVAYA, PO VYRANCODE, MALAPPURAM DISTRICT, KERALA, BEFORE THIS HON'BLE COURT FORTHWITH.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

We have heard the learned counsel for the petitioner as well as the learned State Public Prosecutor.

2. The alleged detenue was present before us on 27.02.2026 and had alleged that he was retained in police custody without any arrest being recorded from 23.02.2026 till 26.02.2026. We had therefore directed the



alleged detainee as well as the Commissioner of Police, Mysuru, to file affidavits. The affidavit of the alleged detainee is on record.

3. The learned SPP has placed on record a counter affidavit of respondent No.2, the Commissioner of Police, Mysuru City. Respondent No.2 admits that a crime was registered as Crime No.29/2026 under Sections 316(2) and 318(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023, where the petitioner's father and two others were arrayed as accused. It is contended that the crime was registered on 23.02.2026 and considering the gravity of the offence, the investigation was immediately transferred to the Central Crime Branch, Mysuru, since accused No.1 was considered as a 'flight risk'.

4. It is further contended at paragraphs No.4 and 5, which reads as follows:

"4. I submit that on transfer of crime to the CCB, on learning that the Accused No.1 along with others were residing in Salem in a hotel by name Radisson, the investigating team would rush to the place where the accused were residing and would



serve him a notice for appearance forthwith under Section 35(3) of BNSS and co-operate with investigation. The Accused No.1 would volunteer to cooperate with the investigation and would accompany the Police team for the purpose of investigation to Mysuru CCB Police. Thereafter, On 24.02.2026, his statement was recorded, a mahazar was drawn and a sum of Rs.2,74,000/- was recovered vide PF No.9/2026 and thereafter was asked to appear on the next day, with a notice served on him again. The Accused No.1 would assure the Police team that he would not leave jurisdiction and would cooperate with investigation and as summoned would appear before the Police on 25.02.2026. On 25.02.2026, his statement was again recorded and then for further investigation, a notice was served on him to appear on 26.02.2026 and Accused No.1 would fully cooperate with the investigation and would assure that he will appear on 26.02.2026 as summoned.

5. I submit that the Accused No.1 would on his own volition would cooperate with the investigation by staying in a hotel located nearby the CCB Police and therefore no coercion was exerted on the Accused and on the contrary, he was at liberty and the CDR reveals that he has used his mobile phone by making calls, which amply establishes that he was never detained illegal."

5. In support of the said contention, the respondents have made available the CDR of Mobile No.9746437925, which is said to be the telephone used by the alleged detainee. It is seen from the call records that calls have been made throughout the period from 23rd to 26th of February, 2026 from locations in Tamilnadu and



Mysore. The CCTV camera footages as sought for by this Court are also produced in a sealed cover.

6. In the above view of the matter, we are of the opinion that the allegation of illegal detention from 23rd to 26th of February, 2026 is not *prima facie* established from the materials on record.

7. In the above view of the matter, this writ petition is ***disposed of*** with a direction to the Mysuru Range Inspector General of Police to conduct an enquiry into the allegations raised by the petitioner herein and to make available the details of such investigation before the Director General of Police.

8. The learned SPP submits that the passport of the alleged detainee was not in the custody of the CCB Police, Mysuru. The said submission is taken on record.

9. All the contentions of the petitioner as well as the alleged detainee are left open to be decided in appropriate proceedings. The CDR as well as the CCTV



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footages are returned to the respondents for the conduct
of the enquiry as directed.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

PK
List No.: 2 SI No.: 3