

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 28327 2014

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Date of Judgment: 10.3.2015

Between:

Smt. S. Manjula

...Petitioner

And

The Government of Andhra Pradesh and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 28327 of 2014

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ORDER:

Wife of the detenu has filed this writ petition questioning the detention order dated 15.6.2014 passed by the 2nd respondent under the provisions of the A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No. 1 of 1986), which was confirmed by the 1st respondent in

G.O.Rt.No. 2744, General Administration (Law & Order) dated 31.7.2014.

Though the detention order is challenged on various grounds, the learned counsel for the petitioner has filed W.P.M.P.Nos. 46776 of 2014 and 7936 of 2015 seeking to raise additional grounds in support of the writ petition.

The said applications are not opposed, hence they are ordered.

Heard learned counsel for the petitioner as well as learned Advocate General appearing for the respondents.

The learned counsel for the petitioner points out that the additional grounds with reference to the ground No. 9 mentioned in the detention order as well as further grounds relating to Cr.No. 39 of 2014 of P.S. Piler is not sustainable, inasmuch as the fact that the detenu was granted anticipatory bail by the order of XI-Addl. Sessions Judge, Piler in CrI.M.P.No. 700 of 2014, dated 29.4.2014, was not brought to the notice of the detaining authority, a copy of the said order is also produced along with WPMP No. 7936 of 2015. But under ground No. 9 of the detention order relating to Cr.No. 39 of 2014 of PS Piler the detaining authority recorded that the detenu herein is A4 and he has been absconding since the day of offence. Obviously the said ground No. 9 contradicts the anticipatory bail granted to the detenu. Since the said

anticipatory bail order was not brought to the notice of the detaining authority, the order of detention cannot be sustained in view of the decision of this Court in W.P.No. 32710 of 2014 and batch, dated 2.3.2015 wherein under point No.3 similar contention was considered and the detention order was quashed.

In view of that, the writ petition is allowed, the detention order is quashed and the detenu Srisailam Anjaneyulu @ Anji shall be released from custody forthwith, if he is not required in any other case.

Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 10.3.2015

NB:

Advance order already sent on 10.3.2015

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