

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

WRIT PETITION No.8388 of 2016

Dated: 28.06.2016

Between:

Smt. Shaik Shahnaz, w/o. Sk.Jilani Basha.

.. Petitioner

and

The State of Telangana,

Rep. by its Chief Secretary to the Government,

and another.

..

Respondents

Counsel for the petitioner:

Dhanamjaya

Mr. Challa

Counsel for the respondents:

Home (T.S)

G.P. for

The Court made the following order:

ORDER: (*Per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

Detention order dated 07.02.2016 of respondent No.2, whereunder one Shaik Jilani @ P.Sudhir Kumar (hereinafter referred to as detenu), has been detained under sub-section (2) of Section 3 of the A.P. Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986 (for short, 'the Act'), is assailed in this writ petition filed by the wife of the detenu.

2. A perusal of the grounds of detention shows that the detenu was involved in as many as five cases registered under the provisions of Immoral Traffic (Prevention) Act, 1956, by various police stations within Municipal Corporations area of Hyderabad and Secunderabad. Out of these five cases, two cases were registered in the years 2004 and 2005 and three cases were registered in 2014 and 2016.

3. Considering the fact that the detenu has been under detention for nearly five months and the willingness of the detenu to leave the areas in which he is allegedly involved in immoral traffic activities and live outside the

said area till the completion of the balance detention period, we are of the opinion that interests of both parties will be balanced if the detenu is released from detention subject to the condition that he shall, on his release, leave the Hyderabad Metropolitan Development Area and shall not re-enter the said area till 07.02.2017. To that effect, he shall file an undertaking in writing addressed to respondent No.2 and handover the same to the Superintendent, Chanchalguda Central Prison, Hyderabad, in which he is presently detained, before he is released from the Central Jail. It is made clear that in the event the detenu violates the undertaking or continues to indulge in repeating commission of offences in future, the respondents shall be free to take action against him, in accordance with law.

4. The writ petition is, accordingly, allowed as prayed for. The impugned order of detention, dated 07.02.2016, is set aside and the detenu - Shaik Jilani @ P.Sudhir Kumar shall be released forthwith from detention subject to the conditions referred to above.

C.V.NAGARJUNA REDDY,J

T.SUNIL CHOWDARY,J

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Note: Office to dispatch the order forthwith.

v v