

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No. 18879 OF 2017

ORDER: (Oral)

(Per Hon'ble Sri Justice *SURESH KUMAR KAIT*)

Vide the present petition, the petitioner has challenged order, dated 27.12.2016, and the consequent orders passed by the respondents, whereby the detenu has been detained in the prison.

Learned counsel appearing on behalf of the petitioner submits that in the detention order the detaining authority has mentioned 39 cases, however, relied upon 31 cases. He submits that in all the cases the detenu was involved based on the confessional statement made by him. These all are planted cases. Therefore, there is no evidentiary value of the confessional statement and the petitioner would be acquitted in all the cases. Learned counsel further submits that this case does not come under the public order. However, it is the problem of law and order.

The fact remains that if a person commits similar offences in a particular locality, the fear spread in that locality, which amounts to prejudice the public order.

The case before us is that the detenu was arrested on 16.01.2015 for the first time in Crime No.28 of 2015 under Section 380 IPC of Saroornagar Police Station and remanded to judicial custody. In the said case, he confessed to have committed the offences mentioned in the detention order.

As admitted by the counsel for the petitioner that in 10 cases the detenu was directed to be released on bail and in rest of the cases there is

no bail order, thus, he was in judicial custody. The cases registered against the detenu are under Sections 457 and 380 IPC. Therefore, if the detenu is released on bail in ten cases registered on his confessional statement, then in all probabilities he will be released in rest of the cases. Keeping in view that apprehension, the respondents have passed the detention order, dated 27.12.2016, to curtail his illegal activities, which is prejudicial to public order.

In view of the above, we find no merit in the present petition and the same is accordingly dismissed.

Miscellaneous petitions, if any, shall also stand dismissed. No costs.

Date: 14.11.2017
ES/CCM



SURESH KUMAR KAIT, J

P. KESHA VA RAO, J