

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE AMARNATH GOUD**

WRIT PETITION No. 16775 of 2017

O R D E R

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide present petition, the petitioner has challenged the order dated 07.02.2017 and subsequent order passed, whereby, the detenu was detained on 07.02.2017 and since then he has been in jail.

Learned counsel appearing on behalf of the petitioner has argued that the respondents have relied upon nine cases which are mentioned as under :

1. Cr.No.232/2016 U/S 363, 346, 386 IPC of PS, Bhongir town
2. Cr.No.234/2016, U/S363,346,386,120(B) IPC, of PS, Bhongir town
3. Cr.No.235/2016 U/S 363,346,386,120(B) IPC, of PS Bhongir town
4. Cr.No.253/2016 U/S 363,346,386,120(B) IPC of PS Bhongir town
5. Cr.No.276/2016 U/S 363,346,386,120(B) IPC, Sec.25 (1B)(a) Arms Act 1959, of PS Bhongir town
6. Cr.No.277/2016 U/S 363,346,386,120(B) IPC. Sec.25(1B)(a)Arms Act 1959 of PS Bhongir town.
7. Cr.No.287/2016 U/s 363, 346,386,120(?B) IPCof PS Bhongir town
8. Cr.No.160/2016 U/s 447,427,384,506, 120(B) IPC of PS Bhongir Rural
9. Cr.No.171/2016 U/S120(B), 384, 342 IPC of PS Bhongir Rural"

The detenu was released on bail in all the cases on 03.02.2017. Thereafter, he was never involved in any of

the crimes. However, vide order dated 07.02.2017, the detaining authority has passed the detention order and taken him under the detention.

Learned counsel for the petitioner further submits that the bail orders in all the cases mentioned above have not been supplied to the detenu due to which he failed to make effective representation to the detaining authority and the other authorities concerned.

It is not in dispute that the detenu was involved in nine cases referred to above. It is also not in dispute that the detenu was released on bail on 03.02.2017 in all the cases. Since the detenu was released on bail, the detaining authority was of the opinion that if he is out from the jail, he would indulge in similar activities as involved earlier in the cases mentioned above. Accordingly, vide order dated 07.02.2017, the detention orders were passed.

It is stated by the learned counsel for the respondents that the detenu is the member of the gang of Nayeem and the cases which are mentioned above are invariably having impact on the maintenance of public order adversely in which the detenu created fear and panic and insecurity in the minds of the public as to their lives and properties apart from

disturbing peace and tranquility in the society. Accordingly, to curtail the activities, the detention order has been passed.

Regarding the arguments that the bail orders passed in the aforesaid cases have not been supplied to the detenu which caused prejudice in making effective representation to the detaining authority and other authorities concerned, we have put a query to the counsel for the petitioner as to how the bail orders had affected the detenu in making the effective representation to which he failed to give any plausible answer. It is not the case of the petitioner that in the bail orders, the conditions were such that the detenu would not be able to commit any crime during the period of bail, and therefore, in such eventuality, detenu was not prevented from making any effective representation.

Similar issue came up for consideration before this Court in Writ Petition No.15516 of 2017 and an order was passed by this Court dismissing the said writ petition, vide Judgment dated 17.11.2017.

Keeping in view the fact that the detenu was involved in a case which created a feeling of insecurity in the minds of public as to their lives and the properties and in any manner prejudicial to the maintenance of public order apart from disturbing peace and tranquility in the society, we are

of the opinion that there is no illegality and perversity in the order passed by the respondents.

We, therefore, find no merit in the present petition and the same is accordingly dismissed. No order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

T.AMARNATHGOUD, J

Date:26.12.2017

slk

