

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.26500 of 2018

Date: 04.10.2018

Between:

Smt.S.Sridevi

..Petitioner

and

The State of Telangana
Rep. by its Principal Secretary
Home Department,
Secretariat, Hyderabad and 2 others

..Respondents

Counsel for the petitioner: Mr.V.Raghunath

Counsel for the respondents: GP for Home (TS)



The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for issue of Habeas Corpus by quashing Detention Order No.19/PD/CCRB/CYB/2018, dated 06.06.2018, passed by respondent No.2.

We have heard Mr.V.Raghunath, learned Counsel for the petitioner, and the learned Government Pleader for Home appearing for the respondents at length.

Respondent No.2, in his detention order, has relied upon four criminal cases. After referring to those cases, he has observed that the *detenu* has obtained bail in all the cases. The admitted fact, however, is that in Crime No.61 of 2018 of I Town Police Station, Mahaboobnagar, registered for the offences punishable under Sections 363 and 506 read with 34 IPC, the *detenu* has not secured bail. Therefore, the impugned detention order is passed on the basis of a wrong premise that the *detenu* was on bail in all the cases. Thus, the impugned order suffers from total non-applicant of mind.

During the hearing, the learned Government Pleader submitted that as the activities of the *detenu* are proving to be prejudicial to the public order, the Court may direct his externment from the Cyberabad area for the residuary period of his detention. The petitioner, who is present in the Court, has readily agreed for this proposal.

In the light of the above facts and circumstances of the case, the impugned Detention Order No.19/PD/CCRB/CYB/2018, dated

06.06.2018, of respondent No.2 is quashed subject to the following conditions:

- (i) The *detenu* shall be released from the detention, if and when he is granted bail in all the Criminal Cases pending against him subject to his giving a written undertaking addressed to respondent No.2 to the effect that he shall leave the Cyberabad area and live outside the said area till the detention period is over *i.e.*, till 06-06-2019 and handing over the same to the Superintendent of the Jail, in which he is presently detained;
- (ii) It is made clear that if the *detenu* repeats his conduct of committing the offences in future, the respondents shall be free to initiate a fresh action against him in accordance with law.
- (iii) The *detenu* is, however, permitted to enter the Cyberabad area, only for the limited purpose of attending the jurisdictional Courts in connection with the Criminal Cases, which are pending against him.

Subject to the above directions, the Writ Petition is allowed.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 4th October, 2018

Note:
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