

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.28877 of 2018

Date: 08.11.2018

Between :

Degluri Ashok

... Petitioner

And

The State of Telangana,
rep. by its Chief Secretary,
Department of Home
Secretariat, Hyderabad and others.

... Respondents

COUNSEL FOR PETITIONER : Sri Pottigari Sridhar Reddy

COUNSEL FOR RESPONDENTS : G.P. for Home (T.S.)

THE COURT MADE THE FOLLOWING:

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

This writ petition is filed for issue of Habeas Corpus directing the respondents to produce Mr.Degluri Sunil, son of the petitioner (hereinafter referred to as "the detenu") before the Court and release him after declaring the order of detention vide proceedings No.15/PD/CCRB/CYB/2018, dated 19.05.2018, issued by respondent No.3, as illegal and unconstitutional.

We have heard Sri P. Krishna Reddy, learned counsel for the petitioner, and the learned Government Pleader for Home (T.S.).

A perusal of the detention order shows that the detenu was detained based on four criminal cases registered against him namely Crime No.1692/2017, Crime No.22/2018, Crime No.127/2018 and Crime No.189/2018 of different police stations. At page No.3 of the detention order containing grounds for detention, respondent No.3 has stated that the detenu was arrested by the Bachupally Police in connection with Crime No.22/2018 on 27.01.2018. Respondent No.3 further stated that on 19.03.2018, the detenu filed bail petition in CrI.M.P.No.1130 of 2018 and was granted bail. Respondent

No.3 further stated that Crime No.127/2018 was registered for the offence allegedly committed on 05.02.2018 and Crime No.189/2018 was registered for the offence allegedly committed on 23.02.2018.

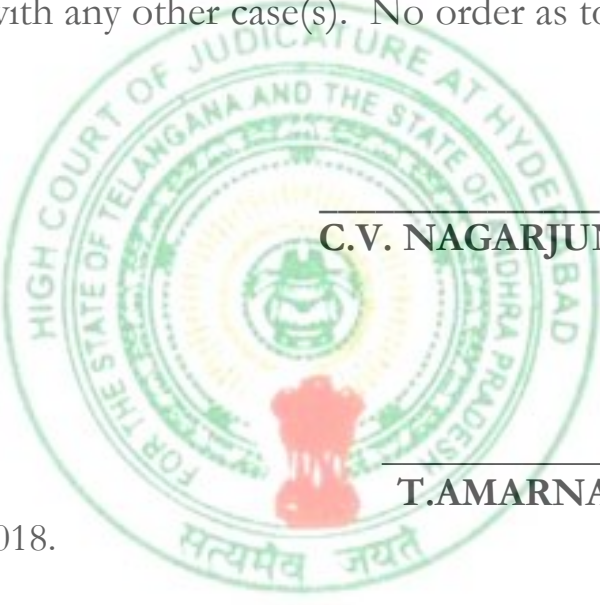
We find irreconcilable contradictions in the aforementioned facts noted in the impugned detention order. If the detenu was arrested on 27.01.2018 and released on bail on 19.03.2018, there was no possibility for him to commit the offences on 05.02.2018 and 23.02.2018 for which Crime Nos.127/2018 and 189/2018 were registered.

The learned Government Pleader submitted that the date 27.01.2018 mentioned as the date of arrest of the detenu is wrong and that he was in fact arrested on 08.03.2018 after the later two crimes, referred above, were committed in February.

Preventive detention, being exception to Articles 19 and 22 of the Constitution of India, the detaining authority is expected to apply his mind before depriving a person of his personal liberty. Even in the counter-affidavit, the above mentioned purported mistake has not been explained by respondent No.3. As the impugned detention order looks

incongruous on the face of it, for the reasons discussed above, the same is not sustainable.

In the result, the Writ Petition is allowed. Impugned detention order, *vide* No.15/PD/CCRB/CYB/2018, dated 19.05.2018, issued by respondent No.3, is set aside. The detenu *viz.*, Degluri Sunil, S/o. D.Yadaiah, is directed to be released from the detention forthwith, if he is not required in connection with any other case(s). No order as to costs.



C.V. NAGARJUNA REDDY, J

T.AMARNATH GOUD, J

Date: 08.11.2018.
TJMR