HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION NO: 15252 OF 2020

Between:

K Bharathi, W/o K Anil Aged 26 yrs, Occ Housewife R/o H.No.11-1-1113/A, Afsal Sagar, Mallepally, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, General Administration (Spl. (Law and Order) Department, Secretariat, Hyderabad
2. The Commissioner of Police and Addl District Magistrate (Executive) Hyderabad City, Basheerbagh, Hyderabad.
3. The Superintendent, Central Prison Hyderabad, at Chanchalguda, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Habeas Corpus, directing 3rd Respondent to produce the detenue viz., Kamble Anil S/o late Anjaiah now detained in Central Prison Hyderabad, at Chanchalguda before this Honrable Court and set-aside impugned detention order passed by the 2nd Respondent vide S.B (1).No.259/PD-6/HYD/2019, dt. 29/10/2019 and confirmation order passed by the 1st Respondent vide G.O.Rt.No.838, dated 02/05/2020 as being illegal, arbitrary, improper, unilateral, unconstitutional and violative of Article 21 and 22 of the Constitution of India, and to forthwith release the Detenue

Counsel for the Petitioner: SRI KHAJA NIZAMUDDIN

Counsel for Respondents: ADDITIONAL ADVOCATE GENERAL

IT IS ORDERD AS FOLLOWS

The Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice B. Vijaysen Reddy

Writ Petition No. 15252 of 2020

Dated 15th December, 2020

Advance Order: (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

In the result, the Writ Petition is allowed. The impugned detention order dated 29-10-2019, passed by respondent No. 2, and the confirmation order dated 02-05-2020, passed by respondent No. 1 are set aside. The respondents are directed to set the *detenu*, namely Mr. Kamble Anil, s/o late Anjaiah, at liberty forthwith, if he is no longer detained in judicial custody in the criminal cases, which have been so far registered against him.

(Detailed Order follows.....)

Sd/- K. SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary General Administration (Spl. (Law and Order) Department, State of Telangana, Secretariat, Hyderabad
2. The Commissioner of Police, and Addl District Magistrate (Executive) Hyderabad City, Basheerbagh, Hyderabad.
3. The Superintendent, Central Prison Hyderabad, at Chanchalguda, Hyderabad**(By Special Messenger)**
4. One CC to Sri Khaja Nizamuddin Advocate [OPUC]
5. Two CCs to the Advocate General (TG), High Court for the State of Telangana (OUT)
6. Two CCs to Sri S. Sharath Kumar, Special Government Pleader, High Court for the State of Telangana (OUT)
7. Two CD Copies

MBC

HIGH COURT

HCJ
&
BVR,J

DATED: 15/12/2020



ADVANCE ORDER

WP.No.15252 of 2020

ALLOWING THE WRIT PETITION

WITHOUT COSTS

15/12/2020