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APHC010431462026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3601]**
(Special Original Jurisdiction)

TUESDAY, THE 17th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

WRIT PETITION No.23626/2026

Between:

1. MALLELA HEMAVATHI, W/O.M.VINOD. AGED ABOUT 24 YEARS, OCC: HOUSEWIFE, R/O D.No.5-74, CHOWTUKUNTAPALLI VILLAGE, NALLAMADA MANDAL, SRI SATHYA SAI DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS CHIEF SECRETARY, GENERAL ADMINISTRATION (SC-I) DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATI, VELAGAPUDI, GUNTUR DISTRICT-522238.
2. THE COLLECTOR AND DISTRICT MAGISTRATE, SRI SATHYA SAI DISTRICT, PUTTAPARTHI-515134.
3. THE SUPERINTENDENT OF POLICE, SRI SATHYA SAI DISTRICT-515134.
4. THE SUPERINTENDENT OF JAILS, CENTRAL PRISON, KADAPA, Y.S.R KADAPA DISTRICT-516001.

...RESPONDENT(S):

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 a writ or order or direction more particularly one in the nature of writ of Habeas Corpus directing the respondents to produce my husband, Sri Mallela Vinod Kumar @ Karla Vinod, S/o. M. Ramakrishna, aged about 26 years, R/o. D.No.5-74 Chowtukuntapalli Village, Nallamada Mandal, Sri Sathya Sai District, forthwith before this Honble Court and set him at liberty by declaring the detention order passed by respondent No.2 vide Proceedings Rc.No.MACtT7E-38097, dated 23.04.2026, the approval order issued by respondent No.1 vide G.O.Rt.No.885, dated 01.05.2026, and the consequential confirmation order issued by respondent No.1 vide G.O.Rt.No.993, dated 01.05.2026, as illegal, arbitrary, unconstitutional and violative of Articles 14, 21 and 22(5) of the Constitution of India and contrary to the provisions of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986, and consequently direct the respondents to release the detenue by setting aside the Rc.No.MAGL/E-38097, dated 23.04.2026, the approval order issued by respondent No.1 vide G.O.Rt.No.885, dated 01.05.2026, and the consequential confirmation order issued by respondent No.1 vide G.O.Rt.No.993, dated 01.05.2026.

IA No.1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the respondents to produce the detenue, Sri Mallela Vinod Kumar @ Karla Vinod, S/o. M. Ramakrishna, aged: 26, R/o: D.No.5-74, Chowtukuntapalli Village, Nallamada Mandal, Sri Sathya Sai District who is in Central Prison, Kadapa, YSR District, before this Hon'ble Court and forthwith set him at liberty

Counsel for the Petitioner:

1. B.ABHAY SIDDHANTH MOOTHA

Counsel for the Respondent(S):

1. ADDL ADVOCATE GENERAL

The Court made the following:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

WRIT PETITION No.23626/2026

ORDER: *(Per Hon'ble Sri Justice Purushottam Kumar Chintalapudi)*

Mallela Hemavathi, W/o. M. Vinod (hereinafter referred to as "the detenu"), has filed this petition under Article 226 of the Constitution of India, seeking the following relief:

> *"pleased to issue a writ or order or direction more particularly one in the nature of writ of Habeas Corpus directing the respondents to produce my husband, Sri Mallela Vinod Kumar @ Karla Vinod, S/o. M. Ramakrishna, aged about 26 years, R/o. D.No.5-74,Chowtukuntapalli Village, Nallamada Mandal, Sri Sathya Sai District, forthwith before this Hon'ble Court and set him at liberty by declaring the detention order passed by respondent No.2 vide Proceedings Rc.No.MAGL/E-38097, dated 23.04.2026, the approval order issued by respondent No.1 vide G.O.Rt.No.885, dated 01.05.2026 and the consequential confirmation order issued by respondent No.1 vide G.O.Rt.No.993, dated 18.05.2026, as illegal, arbitrary, unconstitutional and violative of Articles 14, 21 and 22(5) of the Constitution of India and contrary to the provisions of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986, and consequently direct the respondents to release the detenue by setting aside the Rc.No.MAGL/E-38097, dated 23.04.2026, the approval order issued by respondent No.1 vide G.O.Rt.No.885, dated 01.05.2026 and the consequential confirmation order issued by respondent No.1 vide G.O.Rt.No.993, dated 01.05.2026"*

2. Four respondents are arrayed in the present Writ Petition. They are represented by Sri Akula Venkata Sai Jagadeesh, learned Assistant Government Pleader attached to the office of the learned Additional Advocate General.

FACTS OF THE CASE:

3. The Superintendent of Police, Sri Sathya Sai District, respondent No.3, addressed a requisition to the Collector and District Magistrate, respondent No.2 herein, alleging that the detenu was involved in five criminal cases within two years and in another criminal case within three to four months. It was further alleged that he was involved in cases relating to murder, attempt to murder, robbery, use of criminal force against a public servant, bodily offences and property offences/theft. In all, 13 cases were registered against the detenu. The details are set out below:

Sl. No.	Crime No., Sections of Law and Police Station	Date of Report	Stage of the Case
1	Nallamada PS, Cr.No.97/2022, U/Sec. 353 IPC	25-10-2022	The accused was convicted and sentenced to pay a fine of Rs.2,500/- *vide* judgment dated 13.12.2025 in C.C.No.269/2024.
2	Nallamada PS, Cr.No.37/2022, U/Sec. 302 IPC	25-03-2024	The charge sheet was filed on 22.12.2024, and the case is pending as P.R.C.No.19/2025.
3	Nallamada PS, Cr.No.92/2024, U/Sec. 109(1) r/w 3(5) of BNS	02-09-2024	The charge sheet was filed.
4	Nallamada PS, Cr.No.47/2025, U/Sec. 132, 351(1) r/w 3(5) of BNS	04-05-2025	The case is under investigation, and some witnesses are yet to be examined.
5	Nallamada PS, Cr.No.66/2025, U/Sec. 303(2) r/w 3(5) of BNS (Chain Snatching)	15-07-2025	The case is pending for production of the accused before the Court pursuant to the P.T. warrant.
6	Nallamada PS, Cr.No.84/2025, U/Sec. 109(1), 118(1), 3(5) of BNS	17-08-2024	The charge sheet was filed on 14.09.2025 but has not yet been taken on file.

7	Nallamada PS, Cr.No.22/2026, U/Sec. 331(3), 305(a) of BNS	24-03-2026	The case is under investigation, and some witnesses are yet to be examined.
8	Puttaparthy Urban PS, Cr.No.77/2023, U/Sec. 379 IPC (chain snatching)	23-07-2026	The charge sheet was filed on 23.07.2024 but has not yet been taken on file.
9	Puttaparthy Urban PS, Cr.No.204/2023, U/Sec. 379 IPC (chain snatching)	06-12-2023	The charge sheet was filed on 27.07.2024 but has not yet been taken on file.
10	Puttaparthy Urban PS, Cr.No.209/2023, U/Sec. 379 IPC (chain snatching)	12-12-2023	The charge sheet was filed on 27.07.2024 but has not yet been taken on file.
11	Puttaparthy Urban PS, Cr.No.10/2024, U/Sec. 392, 120(b) of IPC (Robbery)	09-01-2024	The charge sheet was filed on 23.07.2024, and the case is pending as C.C.No.90/2025.
12	Kothacheruvu PS, Cr.No.04/2024 U/Sec. 323 r/w 34 of IPC	18-01-2024	The charge sheet was filed on 04.04.2024, and the case is pending as C.C.No.273/2024.
13	OD Cheruv PS, Cr.No.12/2025, U/Sec. 331(4), 305(a) of BNS	30-01-2025	The case is pending for production of the accused before the Court pursuant to the P.T. warrant.

4. The Superintendent of Police also stated that "*no cases were acquittal, no imposition of fine and no cases compromised in Lok Adalath which were reported against detenue*". Upon receiving the requisition, respondent No.2, the detaining authority, passed the order of detention dated 23.04.2026.

5. Upon considering the requisition submitted by respondent No.3, respondent No.2 observed that the detenu was an inter-district property

offender who was habitually involved in serious offences, such as chain snatching, robbery and bodily offences, including murder, attempt to murder and simple hurt, as well as assault on a Government servant. The detaining authority further observed that the detenu was a habitual offender and that his criminal activities were harmful to the general public. It was also observed that he had been actively moving and involving himself in property offences during the preceding three to four months. Apart from these offences, the detaining authority referred to cases involving murder, attempt to murder, robbery, use of criminal force against a public servant, bodily offences and property offences/theft, and noted that 13 cases had been registered against him. The details of those cases are tabulated below:

Sl. No.	Crime No., Sections of Law and Police Station	Date of Report	Stage of the Case
1	Nallamada PS, Cr.No.97/2022, U/Sec. 353 IPC	25-10-2022	The accused was convicted and sentenced to pay a fine of Rs.2,500/- vide judgment dated 13.12.2025 in C.C.No.269/2024.
2	Nallamada PS, Cr.No.37/2022, U/Sec. 302 IPC	25-03-2024	The charge sheet was filed on 22.12.2024, and the case is pending as P.R.C.No.19/2025.
3	Nallamada PS, Cr.No.92/2024, U/Sec. 109(1) r/w 3(5) of BNS	02-09-2024	The charge sheet was filed.
4	Nallamada PS, Cr.No.47/2025, U/Sec. 132, 351(1) r/w 3(5) of BNS	04-05-2025	The case is under investigation, and some witnesses are yet to be examined.
5	Nallamada PS, Cr.No.66/2025, U/Sec. 303(2) r/w	15-07-2025	The case is pending for production of the accused before the

	3(5) of BNS (Chain Snatching)		Court pursuant to the P.T. warrant.
6	Nallamada PS, Cr.No.84/2025, U/Sec. 109(1), 118(1), 3(5) of BNS	17-08-2024	The charge sheet was filed on 14.09.2025 but has not yet been taken on file.
7	Nallamada PS, Cr.No.22/2026, U/Sec. 331(3), 305(a) of BNS	24-03-2026	The case is under investigation, and some witnesses are yet to be examined.
8	Puttaparthy Urban PS, Cr.No.77/2023, U/Sec. 379 IPC (chain snatching)	23-07-2026	The charge sheet was filed on 23.07.2024 but has not yet been taken on file.
9	Puttaparthy Urban PS, Cr.No.204/2023, U/Sec. 379 IPC (chain snatching)	06-12-2023	The charge sheet was filed on 27.07.2024 but has not yet been taken on file.
10	Puttaparthy Urban PS, Cr.No.209/2023, U/Sec. 379 IPC (chain snatching)	12-12-2023	The charge sheet was filed on 27.07.2024 but has not yet been taken on file.
11	Puttaparthy Urban PS, Cr.No.10/2024, U/Sec. 392, 120(b) of IPC (Robbery)	09-01-2024	The charge sheet was filed on 23.07.2024, and the case is pending as C.C.No.90/2025.
12	Kothacheruvu PS, Cr.No.04/2024 U/Sec. 323 r/w 34 of IPC	18-01-2024	The charge sheet was filed on 04.04.2024, and the case is pending as C.C.No.273/2024.
13	OD Cheruv PS, Cr.No.12/2025, U/Sec. 331(4), 305(a) of BNS	30-01-2025	The case is pending for production of the accused before the Court pursuant to the P.T. warrant.

6. The detaining authority further observed that the detenu had persistently engaged in earning easy and quick money with minimum investment by committing frequent thefts and bodily offences, blatantly disregarding the stringent penalties prescribed under the Indian Penal Code,

1860 (IPC), and the Bharatiya Nyaya Sanhita, 2023 (BNS). It was observed that his unlawful activities affected the community by creating a sense of insecurity and posing a grave threat to public safety and security. The authority also recorded that there were no acquittals, no imposition of fines and no cases compromised in Lok Adalat. Hence, respondent No.2 invoked Section 3 of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986 (hereinafter referred to as “the Act”), and, on the basis of the material placed before him, ordered the detention of the detenu to prevent him from acting in any manner prejudicial to the maintenance of public order.

7. The order of detention was forwarded to the State Government and placed before the competent authority. The competent authority recommended confirmation of the detention. Accordingly, the State Government/respondent No.1 issued G.O.Rt.No.993, General Administration (SC-I) Department, dated 18.05.2026, in exercise of the powers conferred under sub-section (1) of Section 12 read with Section 13 of the Act, confirming the order of detention passed by respondent No.2 and directing that the detenu be detained for twelve months from the date of detention, *i.e.,* 24.04.2026.

8. Aggrieved by the order of detention, the wife of the detenu filed the present Writ Petition.

9. The writ petitioner asserts that, the detenu is her husband. The order of detention was passed on the basis of 13 crimes. The Writ Petitioner disputes the allegations that the detenu was involved in the said crimes, that he was a young and active person who maintained a group of persons to execute tasks at his command, and that he participated in property offences, thereby adversely affecting public safety, security and public order. It is alleged that the order records that the detenu was involved in Crime No.22 of 2026 of Nallamada Police Station for the offences under Sections 331(3) and 305(a) of the BNS, but that the allegations are false. The Writ Petitioner has raised several grounds challenging the order of detention. She contends that the detaining authority supplied documents relating to the detention in English, a language the detenu could not understand, and that he was, therefore, unable to make an effective representation before the Advisory Board.

GROUNDS URGED BY PETITIONER:

10. The Writ Petitioner contends that the order passed by the detaining authority is illegal and arbitrary and is vitiated by total non-application of mind. According to her, the detaining authority failed to refer to, discuss, evaluate or analyse the effect of the conditions imposed in the bail orders granted to the detenu in the aforesaid crimes. The detaining authority also failed to state specifically how the activities alleged against the detenu fall within the categories of activities specified under the Act.

11. The Writ Petitioner further contends that the detaining authority failed to consider the material fact that the competent Court had granted bail

to the detenu in a pending criminal case. The detention order does not ascertain the actual custodial status of the detenu or refer to the fact that he had already been released on bail in Crime No.22 of 2026 of Nallamada Police Station, registered for the offences under Sections 331(3) and 305(a) of the BNS, pursuant to the order dated 10.04.2026 in Crl.M.P.No.809 of 2026 passed by the Judicial Magistrate of First Class, Kadiri. Though the detention order proceeds on the premise that the detenu was in judicial custody, the detaining authority did not consider the fact that he had been granted bail. The detaining authority relied on offences alleged to have been committed in 2022, 2023, 2024 and 2025, whereas the detention order was passed in 2026. The order confirming the detention for twelve months does not assign specific reasons. The Advisory Board also did not consider the bail orders granted in favour of the detenu.

12. In Crime No.97 of 2022, the detenu was convicted and sentenced to pay a fine of Rs.2,500/- in C.C.No.269 of 2024, by judgment dated 13.12.2025. The detaining authority, however, did not consider the said judgment. The detention order does not set out the material particulars on the basis of which respondent No.2 arrived at the requisite subjective satisfaction to order detention for twelve months under the Act. The detaining authority also failed to satisfy the triple test laid down in ***Champion R. Sangma v. State of Meghalaya***[1]. The satisfaction recorded by the detaining authority is not supported by the requisite material. The mere apprehension that the

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detenu may repeat the same offences if released on bail cannot, by itself, justify an order of preventive detention. The Writ Petitioner, therefore, contends that the detention order was passed without proper application of mind and seeks its setting aside and the release of the detenu.

COUNTER OF RESPONDENTS:

13. Respondent No.2 filed a counter-affidavit denying the grounds urged by the Writ Petitioner and supporting the order of detention passed by respondent No.2 and confirmed by respondent No.1. Respondent No.2 contends that 13 crimes were registered against the detenu and that the detaining authority clearly explained to him, in a language he understood, the order of detention and the opinion of the Advisory Board.

14. Respondent No.2 denied the allegation that the detaining authority had failed to consider the bail order. It was contended that the bail order was not furnished to the detaining authority and, therefore, the authority could not have considered it. The detaining authority, upon considering the material placed before it, arrived at the subjective satisfaction that preventive detention was necessary. It was further stated that, having regard to the material placed before it, the detaining authority considered that the continued activities of the detenu would adversely affect public safety. The mere fact that the detenu was granted bail in Crime No.22 of 2026 does not, by itself, render the detention order illegal, particularly when the detaining authority had relevant material relating to the antecedents and continuing activities of the

detenu before it and had taken the facts and circumstances into consideration while passing the detention order.

15. It was further contended that non-supply of documents would be material only if such non-supply prejudiced the detenu in making an effective representation. The authority also considered that public order and safety would be affected if the detenu continued his activities. Hence, the detention order was passed. The respondents contend that the grounds urged by the Writ Petitioner are not sustainable. Having considered the activities of the detenu, the detaining authority passed the appropriate orders and, accordingly, sought dismissal of the Writ Petition.

Arguments:

16. Heard Sri N. Rupeswar Reddy, learned counsel representing Sri B. Abhay Siddhanth Mootha, learned counsel for the petitioner, and Sri Akula Venkata Sai Jagadeesh, learned Assistant Government Pleader attached to the office of the learned Additional Advocate General, appearing for the respondents.

17. Sri N. Rupeswar Reddy, learned counsel appearing for the petitioner, submitted that the principal grounds on which the petitioner seeks relief are the non-consideration of the bail order in Crime No.22 of 2026 and the judgment in Crime No.97 of 2022, by which the detenu was sentenced to pay a fine of Rs.2,500/-.

18. Learned counsel would contend that the detaining authority and the Advisory Board must consider all relevant material, including bail orders and judgments in criminal cases. It is incumbent upon the detaining authority to record its subjective satisfaction that, notwithstanding the grant of bail and the outcome of the criminal cases, the activities of the detenu would adversely affect the maintenance of public order. However, no such satisfaction is recorded in the impugned order. Therefore, the detention order is illegal, in view of the various rulings of the Hon'ble Supreme Court and this Court.

19. In reply, the learned Assistant Government Pleader attached to the office of the learned Additional Advocate General Sri Akula Venkata Sai Jagadeesh submitted that the detaining authority was satisfied with the material placed before it and passed the order of detention. However, the learned Assistant Government Pleader fairly submitted that the bail order in Crime No.22 of 2026 and the judgment in Crime No.97 of 2022 were not placed before the detaining authority and, therefore, were not considered.

20. We have heard both the learned counsel and perused the record.

Discussion:

21. The record discloses that, on the requisition made by respondent No.3, respondent No.2 passed the order of detention, which respondent No.1 subsequently confirmed vide G.O.Rt.No.993, dated 18.05.2026. The matter was thereafter placed before the Advisory Board, which recommended confirmation of the detention to the State Government/respondent No.1. Accordingly, respondent No.1 confirmed the order of detention passed by

respondent No.2 and directed detention for twelve months from the date of the order of detention, *i.e.,* 23.04.2026.

22. The contention of the learned counsel for the petitioner is that the detenu was released on bail in Crime No.22 of 2026 on 10.04.2026, whereas the order of detention was passed on 23.04.2026. Thus, the detenu had already been granted bail in Crime No.22 of 2026 by the time the detention order was passed.

23. Admittedly, respondent No.3 did not place the bail order before the detaining authority. Consequently, no material relating to the bail order dated 10.04.2026 was placed before the Advisory Board.

24. In ***Champion R. Sangma v. State of Meghalaya*** (supra 1), the Hon'ble Supreme Court, at paragraphs 13 and 14, held as follows:

> *"13.In view of the above, it was for the respondents to satisfy the Court as to whether the triple requirements, as postulated above, stand satisfied in the present case. We find that the respondents have miserably failed to fulfill this requirement.*
>
> *14.In the instant case, though the detention order and even the grounds of detention record the factum of appellant's being in custody, no satisfaction has been recorded by the detaining authority that there was reliable material before the authority on the basis of which it would have reasons to believe that there was real possibility of his release on bail. It is not mentioned as to whether any bail application was even moved by the appellant or not, what to take out likely fate of such an application. The order is also conspicuously silent on the aspect as to whether there was any probability of indulging in activity if the appellant would be released on bail."*

25. In ***Buddiga Dhana Lakshmi W/o. Devudu v. State of Andhra Pradesh and others***[2], this Court, at paragraphs 14 to 16, held as follows:

> *"14. In **Ponnada Geetha (supra)**, a Coordinate Bench of this Court has held that when the detenu was already released on bail in a crime and when it was made basis for passing the order of preventive detention and when such order of bail was not placed before the detention authority, it vitiates the order of preventive detention. Paragraph Nos.(9) to (12) of **Ponnada Geetha (supra)** read as under:*
>
> > *"However, as per the settled law, the very fact that the order of bail granted to the detenu in Crime No.219 of 2024 of Gopalapatnam Police Station for the offence under NDPS Act, was not placed before the detaining authority, while passing the impugned order of detention, by itself, is sufficient to hold that it vitiates the impugned order of detention. The legal position in this regard is fairly well settled.*
> >
> > *10. The Division Bench of the common High Court for the State of Telangana and the State of Andhra Pradesh had an occasion to elaborately deal with the said legal position in the case of **Vasanthu Sumalatha v. State of Andhra Pradesh**(2016) 1 ALT 738 (DB). At paragraph 44 of the said judgment, it is held as follows:*
> >
> > > *"44. When a person is enlarged on bail by a competent criminal court, great caution should be exercised in scrutinizing the validity of an order of preventive detention, which is based on the very same charge which is to be tried by the criminal court. (Vijay Narain Singh v. State of Bihar [(1984) 3 SCC 14]; JothaViswanadh v. Chief Secretary, Govt. of A.P. [Judgment in W.P.No.10018 of 2012, dated 29.06.2012 (APHC) (DB)]. Where the detenu is released on bail, and is enjoying his freedom under the order of the court, the order of bail must be placed before the detaining authority, when the order of detention is passed, to enable him to reach a proper satisfaction. (Rushikesh Tanaji Bhoite v. State of Maharashtra [(2012) 2 SCC 72]. If the detaining authority was unaware of the order of bail, the detention order is rendered invalid as the Court cannot attempt to assess in what manner, and to what extent, consideration of*

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the order granting bail to the detenu would have effected the satisfaction of the detaining authority in passing the order of preventive detention (Rushikesh Tanaji Bhoite (42 supra); Rekha (5 supra); Jotha Viswanadh (44 supra)."

11. At paragraph 42 of the said judgment, it is also held by the Division Bench of the common High Court that it is incumbent that all vital materials are placed before the detaining authority to enable him to arrive at the subjective satisfaction as to the necessity for passing an order of detention, as decided in ***M.Ahamed kutty v. Union of India ((1990) 2 SCC 1*** *and* ***State of U.P. v. Kamal Kishore Saini (1988 (1) SCC 287).*** *Therefore, it is held that the bail order is a vital material for consideration and if it is not considered, the satisfaction of the detaining authority would be impaired.*

12. Thus, it is obvious from the analogy and the legal position decided in the aforesaid judgment of the Division Bench of the common High Court, which is binding on this Court, that when the detenu was already released on bail in a crime and when it was made basis for passing the order of preventive detention and when the said order of bail was not placed before the detaining authority, it vitiates the impugned order of preventive detention. Therefore, in view of the law enunciated in the above judgment, as the order of bail is admittedly not placed before the 2nd respondent when he has passed the impugned order of preventive detention, the impugned order of preventive detention is vitiated and, therefore, cannot be sustained."

15. The aforesaid is the settled position in law. The bail order and the conditions of bail are relevant material to be considered to arrive at the satisfaction if the order of detention is yet to be passed.

16. Admittedly, there is no consideration of all the bail orders in the order of detention though in five cases the bail was granted prior to passing of the order of detention and even in the order of approval and confirmation by the State there is no consideration whereas by that time in all seven cases bail (s) had been granted."

26. Non-supply or non-consideration of the existing bail orders and the judgment of acquittal would vitiate the order of detention, as the detaining

authority could not have arrived at the requisite subjective satisfaction without considering those vital materials. Despite the existence of these judicial orders, the detaining authority did not consider whether, notwithstanding the acquittal and grant of bail, the activities of the detenu would continue to be prejudicial to the maintenance of public order. No such satisfaction is recorded in the impugned order.

27. Further, the order of detention, while referring to all 13 registered crimes, does not reflect the fact that the detenu was acquitted in Crime No.97 of 2022. On the contrary, the requisition submitted by respondent No.3 to respondent No.2 specifically states: "*no cases were acquittal, no imposition of fine and no cases compromised in Lok Adalath which were reported against detenue*".

28. The detenu was acquitted in Crime No.97 of 2022 on 13.12.2025. Despite the existence of these judicial orders, the detaining authority did not refer to them, nor were they placed before the Advisory Board. This omission affects the fundamental right guaranteed under Article 22(5) of the Constitution of India, as the detenu was deprived of an opportunity to make an effective representation before the concerned authorities.

29. Further the detaining authorities have to refer their subjective satisfaction on considering all the relevant bail orders and acquittals of the detenue, that despite of these orders, the detenue is required for detention that, his acts would effect the public safety. The orders do not reflect the consideration of bails granted and acquittal of the detenue. Thus we found,

the detaining authority has not recorded such subjective satisfaction for detention of the detenue.

30. With the above discussion, applying the principles laid down by the Hon'ble Apex Court to the admitted facts of the present case, it is clear that the detaining authority did not consider the aforesaid two judicial orders, though they were in existence before the detention order was passed. The detention order, therefore, cannot be sustained and is liable to be set aside. Any further continuation of the detention would amount to illegal detention.

31. For the foregoing reasons, the Writ Petition deserves to be allowed and the order of detention is liable to be set aside.

Result:

32. In the result, the Writ Petition is allowed. The order dated 23.04.2026 passed by respondent No.2 and confirmed by respondent No.1 vide G.O.Rt.No.993, General Administration (SC-I) Department, dated 18.05.2026, is hereby set aside. The detenu, Mallela Vinod Kumar, shall be released forthwith and set at liberty, if he is not required in any other case.

33. The detaining authority however shall be at liberty to pass fresh order but in accordance with law.

34. In case any order of detention is passed afresh, the period of detention shall not exceed in total the statutory period, including the period already served under the impugned detention order.

No order as to costs.

As a sequel, all pending miscellaneous applications, if any, shall stand closed.

RAVI NATH TILHARI, J

PURUSHOTTAM KUMAR CHINTALAPUDI, J

Date: 17-11-2026
BMS