IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT PETITION (HABEAS CORPUS) NO.94 OF 2026

BETWEEN:

SRI SURESH N
SON OF NALAPPA P
AGED ABOUT 49 YEARS
RESIDING AT NO.177
NEW BINNAMANGALA
100 FEET ROAD
INDIRANAGAR
BENGALURU

...PETITIONER

(BY SRI. V.S.HEGDE, ADV. FOR
SRI. PRASANNA KUMAR S., ADV.)

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

AND:

1. THE STATE OF KARNATAKA
   VIDHANA SOUDHA
   DR. B.R. AMBEDKAR VEEDHI
   BENGALURU - 560001
   REPRESENTED BY THE SECRETARY
   LAW AND ORDER

2. THE COMMISSIONER OF POLICE
   INFANTRY ROAD
   BENGALURU

REPRESENTED BY COMMISSIONER
BENGALURU CITY
BENGALURU - 560001

3. THE SUPERINTENDENT OF PRISON
PARVATHI NAGAR
BELLARY - 583103

…RESPONDENTS

(BY SRI. B.N.JAGADEESH, SPP-1 A/W
SMT. DEEPTHI ALVA, HCGP)

THIS WPHC (HABEAS CORPUS) IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF HABEAS CORPUS DECLARING THE DETENTION OF KADAMBA, SON OF SURESH IS ILLEGAL AND SET HIM AT LIBERTY FORTHWITH BY QUASHING THE DETENTION ORDER BEARING REFERENCE NO.04/CRM(4)/DTN/2026 DATED 04.06.2026 AT ANNEXURE-A PASSED BY THE RESPONDENT NO.2 UNDER SECTION 3(1) R/W SECTION 2(G) OF THE GOONDA ACT, THE APPROVAL OF THE DETENTION ORDER BEARING REFERENCE NUMBER HD 316 SST 2026 DATED 15.06.2026 AT ANNEXURE-B PASSED BY THE RESPONDENT NO.1 UNDER SECTION 3(3) OF THE GOONDA ACT AND CONFIRMATION ORDER BEARING REFERENCE NUMBER HD 316 SST 2026 DATED 24.07.2026 AT ANNEXURE-C PASSED BY THE RESPONDENT NO.2 UNDER SECTION 13 OF THE GOONDA ACT.

THIS WPHC (HABEAS CORPUS) HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 14.10.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

The challenge in this Writ Petition (Habeas Corpus) is against a detention order passed under the provisions of the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers, and Video/Audio Pirates Act, 1985 ("the 1985 Act" for short). The detention order dated 04.06.2026 is produced as Annexure-A, while the order of approval passed by respondent No.2 is at Annexure-B and the confirmation order dated 24.07.2026 is at Annexure-D.

2. We have heard Sri V.S. Hegde, learned counsel appearing for the writ petitioner and Sri B.N. Jagadeesh, learned State Public Prosecutor-I along with Smt. Deepthi Alva, learned High Court Government Pleader for the respondents.

3. The detenue- Shri Kadamba S., son of the petitioner has been detained by respondent No.2 by Order dated 04.06.2026. The detaining authority recorded its satisfaction that the detenue is a "goonda" who habitually commits offences punishable under Chapters XVI, XVII and XXII of the Indian Penal Code and Chapters VI and XVII of the Bharatiya Nyaya Sanhita, 2023, and that he had to be detained to prevent him from acting in any manner prejudicial to the maintenance of public order. The grounds of detention record that a 'B' rowdy sheet has been maintained against him at the Indiranagar Police Station since 13.05.2024. They rely on thirteen incidents between 2022 and 2026. These comprise of eleven crimes registered at the Indiranagar and Halasuru Police Stations for house-breaking and theft, voluntarily causing hurt, robbery and attempt to murder. Further, the Detention Order records preventive proceeding in P.A.R.No.18/2026 under Section 129 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in which the detenue was detained in custody for violating the bond he had executed to keep the peace and maintain good

behaviour and Crime No.145/2026 of the Indiranagar Police Station, registered for robbery allegedly committed on 24.04.2026, which is under investigation. The detaining authority found that the detenue, with his associates, randomly targets traders, passers-by and acquaintances, assaulting them and robbing them of their belongings and vehicles. It also found that he has repeatedly violated the conditions of bail granted to him and continued his criminal activities despite arrest and prosecution, creating fear in the public mind. The grounds also set out the criminal cases registered against the detenue's father and his brother. According to the respondents, the order of detention and the grounds of detention, together with the documents relied upon, were served on the detenue on 04.06.2026 itself. He was informed of his right to make a representation to the detaining authority, State Government, and the Advisory Board.

3. Several grounds have been raised in support of the challenge in the writ petition. However, the main grounds urged at the time of argument are to the effect that

the actions of the detenue have resulted only in violation of law and order and that an Order of Preventive Detention cannot be passed in the said circumstances. Further, it is contended that detention orders are based on stale materials. There is no live and proximate link between the cases relied upon and the detention orders passed because 5 cases are registered during 2025 and one PAR was registered in 2026 and one Crime was registered in the year 2026. It is settled law that, where the detenue is at liberty and enlarged on bail in cases that are relied on, the detaining authority will necessarily have to consider all bail orders passed in the said cases. Failure of detaining authorities to consider the bail orders and bail petitions in those cases vitiates the detention order, hence the detention orders are passed ignoring vital materials and therefore the detention orders stand vitiated.

4. Further, it is contended that the detaining authority has taken into account absolutely irrelevant material including the criminal antecedents of the detenue's father and brother, which vitiates the Order of Detention. It

is also contended that there is a mention in the statement of objections to CCTV footage of attacks allegedly committed by the detenue, but a copy of the said footage is not provided to the detenue. It is also contended that the full supporting documents which are referred to in the Order of Detention have not been made available to the detenue. It is contended that the paper books furnished by the detaining authority were not legible and that the detenue was not able to submit an effective representation, which amounts to a violation of Article 22(5) of the Constitution of India.

5. Learned counsel appearing for the writ petitioner places reliance on ***Pritam Singh v. Union of India*** reported in ***(1995) 57 DLT 370***, to contend that the detaining authority's reliance on irrelevant material, together with its failure to consider relevant material, shows non-application of mind and vitiates the subjective satisfaction. In ***Union of India v. Dimple Happy Dhakad*** reported in ***(2019) 20 SCC 609***, the Apex Court held that an order of detention against a person in custody can be passed only if the grounds show that the detaining authority

was aware of the custody and was satisfied that the detenue was likely to be released and, if released, to indulge in prejudicial activities.

6. Reliance is also placed on the case of ***Mulla Afroz v. Union of India*** reported in ***2026 SCC OnLine SC 2020***, wherein the Apex Court held that a detention founded on the very material collected in the criminal investigation, and passed to keep the detenue in custody despite orders granting him bail, is punitive and not preventive. It was also held that the mere existence of multiple criminal cases is not per se a ground for detention unless it is supported by cogent and reliable material and that preventive detention must be invoked with the utmost circumspection. Further reliance is also placed on ***Jaseela Shaji v. Union of India*** reported in ***2024 SCC OnLine SC 2576***, to contend that failure to furnish the detenue with the documents relied on in the grounds of detention violates his right under Article 22(5) of the Constitution of India to make an effective representation.

7. The learned State Public Prosecutor has placed a detailed statement of objections on record. It is contended therein that the detenue was habitually engaging in serious criminal and antisocial activities and has repeatedly committed offences including attempt to murder, housebreaking and theft, assault, criminal intimidation, robbery, extortion, and violent attacks on members of the public, thereby disturbing public peace and creating fear and insecurity among the general public. It is further submitted that the detenue was involved in 13 criminal cases and that his name was entered in "B" Rowdy Register and a Rowdy Sheet bearing No.HAUV/R.S./08/2024 dated 13.05.2024 had been opened and maintained against him at Indiranagar Police Station. He was apprehended in further crimes which were registered by the Indiranagar Police.

8. It is further submitted that even after preventive proceedings under Section 129 of the Bharatiya Nagarik Suraksha Sanhita, 2023, had been taken against the detenue and he was kept in preventive custody for 15 days from 20.05.2026 to 03.06.2026, it was apprehended that he

would continue his criminal activities. It is submitted that the entire records relating to the crimes committed by the detenue including the FIRs, the charge sheets, as well as the order sheets in the criminal cases and the bail orders, had all been served on the detenue. The materials are placed on record before us, and it is stated that the detenue has clearly written in his own handwriting that he received the order of detention along with all supporting documents bearing pages No.1 to 773 on 04.06.2026 itself.

9. It is further submitted that the fact that the detenue has been enlarged on bail in all the criminal cases registered against him, has also been duly taken note of by the detaining authority in the detention order and it has been clearly stated that, in view of the fact that, the detenue has been indulging in criminal activities even while on bail, his preventive detention under the provisions of the 1985 Act is absolutely essential.

10. The learned SPP also submits that apart from mentioning that his father and brother also have criminal antecedents, there is no reliance on the criminal history of

his father or his brother in the detaining order and the criminal antecedents of the other members of his family have not been taken into account for arriving at the subjective satisfaction that the preventive detention of the detenue is required in law.

11. The learned SPP has relied on the judgment of this Court in ***N. Suresh v. Commissioner of Police, Bengaluru***, passed in ***Writ petition (Habeas Corpus) No.53/2025*** dated ***25.07.2025,*** filed by the very same petitioner herein in respect of the detention of his son Vishnu. The very same grounds have been taken in the writ petition, which have been specially addressed by this Court. It is further submitted that the judgment of this Court in ***Writ petition (Habeas Corpus) No.53/2025,*** has been upheld by the Supreme Court in ***Special Leave to Appeal (Crl.) No(s).12744/2025*** dated ***07.11.2025***.

12. We have considered the contentions advanced. It is clear that there are 13 cases registered against the detenue. However, it is clear from the grounds of detention itself that the detenue was acquitted in the first of the cases

and all other offences are either pending investigation or trial. It is further stated that 7 crimes were committed on the same day, that is, on 08.02.2025 when the detenue is alleged to have slashed several persons with a knife at several locations. Though the learned counsel for the writ petitioner submits that a CCTV footage is referred to in the statement of objections and that the non-serving of the copy of the CCTV footage to the detenue vitiates the order of detention, we notice that no CCTV footage is referred to in the order of detention. Since the CCTV footage, which is later referred to in the statement of objections is not a material which has been relied on by the detaining authority to enter the subjective satisfaction as to the need to preventively detain the detenue, we are of the opinion that the mentioning of the availability of such footage in the statement of objections cannot be a ground in favour of the detenue to state that his order of detention is bad for non-supply of the same.

13. It is clear that the detenue has obtained bail in the cases pending against him. The supporting documents

served on the detenue would make it clear that the details of all the criminal cases as well as the orders granting bail to the detenue have been taken into consideration by the detaining authority. Copies of all such documents have also been served on the detenue, who has acknowledged receipt of the entire documents. The Apex Court in ***Dimple Happy Dhakad's*** *case* (supra) has clearly held that the fact that the detenue has been granted bail in the criminal cases registered against him cannot be a ground for vitiating the order of detention. This Court in ***N. Suresh****'s case* (supra), considering an identical contention, held that where the detenue committed breach of the conditions of bail and the fact that he had been granted bail in all cases and had continued committing offences by violating the bail conditions, the order of detention cannot be said to be vitiated. It was further found that :-

> *"26. It is observed that the contravention of law always affects order, but before it can be set to affect public order. It must affect the community or public at large as a disturbance to public order, the specific activity has an impact on the broader community or the general public, revoking feelings of fear, panic or insecurity. Accordingly, the detenu was detained by an order indulging in serious*

criminal offences such as, murder, attempt to murder, robbery, kidnapping for ransom, extortion, assault, house-breaking, theft, voluntarily casuing hurt by dangerous weapon, wrongful restraint and criminal intimidation, other offences that have instilled fear and insecurity on individuals of locality. The petitioner got released on bail in the criminal cases registered against him and committed breach of conditions of bail. The respondents after subjective satisfaction of the materials placed before them passed the Detention Order. There is no illegality in the said Orders.

In the instant case, the detaining authority has taken note of the orders enlarging the detenue on bail.

14. The contention of the learned counsel for the petitioner that irrelevant facts have been taken into consideration to arrive at the subjective satisfaction that an order of preventive detention is required to be passed cannot be accepted in the instant case. It is clearly stated that the detenue had engaged in several criminal activities, and has continuously violated bail conditions as well as bonds executed by him to maintain good behaviour.

15. In the circumstances, on 20.05.2026, an order was passed detaining him in the Bangalore City Central Jail

from 20.05.2026 to 03.06.2026 for a period of 15 days. It is submitted that it is in view of the severe threat posed by the detenue to the public order the detaining authority was satisfied that the detenue would continue his criminal activities and be a threat to public order. It is in these circumstances that the order has been passed. The mere mentioning of the criminal antecedents of the other members of his family in the order of detention cannot be taken as a circumstance vitiating the order in the facts of this case.

16. The further contention that the order of detention was passed only for 15 days in the first instance is also factually incorrect, since the detention of 15 days mentioned in the order is only a reference to the preventive proceedings under Section 129 of the Bharatiya Nagarik Suraksha Sanhita, 2023 taken against the detenue, where he was kept in preventive custody for 15 days from 20.05.2026 to 03.06.2026.

17. Having considered the contentions, we are of the opinion that the grounds raised in the writ petition against

the order of detention are not substantiated in the instant case. The writ petition (Habeas Corpus) fails and the same is accordingly ***dismissed***.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

PN/cp*