

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

THURSDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

**THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY
AND
THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY**

WRIT PETITION NO: 40841 OF 2022

Between:

Akram Chand Patel, S/o Chand yousuf Patel, Aged 35 years, occ. Self
Employed, R/o 21, Budhawar Peth, Karad, Satara, Maharashtra-411110.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary, General Administration (Spl. Law & Order) Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Rachakonda Commissionerate, Vayupuri Colony, Beside Malkajgiri Court Complex, Neredmet, Medchal-Malkajgiri District.
3. The Superintendent of Jails, Cherlapally, Medchal District.
4. The Station House Officer, Uppal Police Station, Uppal, Medchal-Malkajgiri District.

...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 Writ Of Habeas Corpus under Article 226 of Constitution of India directing the 2nd Respondent to produce Aslam Chand Patel, S/o Chand Yousuf patel, Aged 37 years, R/o Varunji Village, Karad Thaluk, Satara District, Maharashtra State, who is now detained in 3rd Respondents prison before this Hon'ble Court and he may be released forthwith by setting aside proceedings No.150/ PD-CELL/CCRB/RCKD/2022 dated 22/09/2022 passed by the 2nd Respondent and confirmed by the advisory board vide G.O. Rt. No. 1856, dt. 29/9/2022 for being illegal, unconstitutional, arbitrary and violation of the fundamental rights guaranteed under the Constitution of India

**Counsel for the Petitioner: SRI. NAGESHWAR RAO PUJARI
Counsel for the Respondents: ADDL ADVOCATE GENERAL
The Court made the following: ORDER**

**THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY
AND
THE HON'BLE SRI JUSTICE A.SANTHOSH REDDY**

WRIT PETITION No.40841 of 2022

ORDER: {Per the Hon'ble Sri Justice A.Abhishek Reddy }

Sri Akram Chand Patel, the petitioner, has filed the present writ petition seeking a writ of Habeas Corpus, on behalf of his brother, Aslam Chand Patel, the detenu, challenging the detention order *vide* No.150/PD-CELL/CCRB/RCKD/2022, dated 22.09.2022, passed by the respondent No.2-Commissioner of Police-cum-Additional District Magistrate, Rachakonda Commissionerate, whereby, the detenu was detained under Section 3(2) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders, Land Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Document Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders and White Collar or Financial Offenders Act, 1986 (in short, 'the PD Act'), and the consequential approval order *vide* G.O.Rt.No.1856, General Administration (Spl. (Law & Order)) Department, dated

29.09.2022, passed by the Secretary to Government (FAC), Government of Telangana.

2. Heard Sri Nageshwar Rao Pujari, the learned counsel for the petitioner, Sri Mujib Kumar, the learned Special Government Pleader representing the learned Additional Advocate General appearing for the respondents and perused the record.

3. The case of the petitioner is that based on a recent solitary crime registered against the detenu viz., Crime No.693 of 2022 of Uppal Police Station, registered for the offences under Sections 376 (2), 420, 467, 468, 471, 370, 370 (A), 366 (A), 366 (B), 109, 114 r/w 149 I.P.C, Sections 5, 6 and 17 of Protection of Children from Sexual Offences Act, 2012, (for short, 'POCSO Act') and Sections 3, 4, 5 and 6 of Immoral Traffic (Prevention) Act, 1956 (for short 'PITA'), the respondent No.2 has passed the impugned detention order, dated 22.09.2022. According to the respondent No.2, the detenu is an 'Immoral Traffic Offender' and he along with his associates has been indulging in human trafficking, procuring girls from Bangladesh under the guise of providing livelihood, exploiting and forcibly dragging them into prostitution business and thereby living on the earnings of prostitution. Thus, the detenu has been engaging himself in

unlawful acts and indulging in the acts of organizing prostitution clandestinely by acting as a leader/member of criminal gang to make quick money in short period and living on the earnings of prostitution and thereby his activities are prejudicial to the maintenance of public order and health as well in the society. Subsequently, the impugned detention order was approved by the Government *vide* G.O.Rt.No.1856, dated 29.09.2022.

4. Learned counsel for the petitioner would submit that the impugned detention order has been passed in a mechanical manner and without application of mind. The detaining authority relied on the solitary case for preventively detaining the detenu. Admittedly, in the solitary case relied upon by the detaining authority, the two bail applications filed by the detenu were dismissed and the third bail application is pending. Thus, the detenu continues to be in judicial custody as on the date of passing of the impugned detention order. Despite the same, the detention order was passed against the detenu on the apprehension that there is every possibility of the detenu getting bail and releasing from jail and on such release, there is imminent possibility of his indulging in similar prejudicial activities again, which is unjustified. Further, the alleged crime