

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION (HABEAS CORPUS) No.3 OF 2026

BETWEEN:

SMT. VARALAKSHMAMMA
W/O LATE GANGADHARAPPA
AGED ABOUT 50 YEARS
HAMPASANDRA VILLAGE
GOWRIBIDANUR TALUK
CHIKKABALLAPUR DISTRICT-561 210

...PETITIONER

(BY SRI. KRISHNA KASHYAP, ADV., FOR
SMT. N. PADMAVATHI, ADV.)

AND:

- 1 . COMMISSIONER OF POLICE
NO.1 INFANTRY ROAD
BENGALURU-560 001
- 2 . ASSISTANT COMMISSIONER OF POLICE
YELAHANKA SUB DIVISION
YELAHANKA
BENGALURU-560 063
- 3 . STATE OF KARNATAKA
BY DEPARTMENT OF HOME
(LAW AND ORDER)
REPRESENTED BY ITS SECRETARY
VIKASA SOUDHA
BENGALURU-560 001

4 . CHIEF SUPERINTENDENT
GULBARGA CENTRAL PRISON
KALABURAGI DISTRICT-585 102

...RESPONDENTS

(BY SRI.B.A.BELLIAPPA, SPP-1 A/W
SRI. P.THEJESH, HCGP)

THIS WP(HC) IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO QUASH THE DETENTION OF SRI. MANJUNATHA @ HOO MANJA PRESENTLY IN THE CUSTODY OF RESPONDENT NO.4, BY ORDER NO.11/CRM(4)/DTN/2025 DATED 07.07.2025 PASSED BY RESPONDENT NO.1 APPROVED BY RESPONDENT NO.3 BY ORDER NO.HD 329 SST 2025 DATED 14.07.2025 (ANNEXURE-A) AND CONFIRMED AND CONTINUED BY RESPONDENT NO.3 BY ORDER NO.HD 329 SST 2025 (ANNEXURE-D) DATED 19.08.2025 AS ILLEGAL AND VOID AB INITIO.

THIS WP(HC) HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 24.03.2026 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 MS. JUSTICE TARA VITASTA GANJU

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

The Writ Petition (Habeas Corpus) is filed seeking to quash the Detention Order No.11/CRM(4)/DTN/2025 dated 04.07.2025 passed by respondent No.1 approved by respondent No.3 by Order No.HD 329 SST 2025 dated 14.07.2025 and confirmed and continued by respondent No.3 by Order No.HD 329 SST 2025 dated 19.08.2025.

2. We have heard Shri. Krishna Kashyap, learned counsel appearing for the petitioner and Shri. B.A. Belliappa, learned State Public Prosecutor-I along with Shri. N. Thejesh, High Court Government Pleader appearing for the respondents.

3. The learned counsel appearing for the writ petitioner challenges the Order of Detention on five major grounds. They are as follows:-

- (i) Grounds of Detention were not furnished to the detinue.

- (ii) Lack of proximate nexus between the crimes and detention. The last crime was committed in December, 2024, whereas the detinue was detained in July 2025, which is after seven months. Therefore, the Detention Order has no fresh allegations.
- (iii) The respondent authorities failed to prove misuse of bail. The detinue was granted bail in all cases. He was acquitted in one and was admittedly a minor in two cases. The respondent authorities did not seek revocation/cancellation of bail in any of the cases.
- (iv) Intentional suppression of the fact that the detinue was enlarged on bail in Crime No.259/2024 by an Order dated 12.06.2025 passed in Criminal Petition No.3642/2025 by this Court.
- (v) The detinue was arbitrarily detained and the same is violative of Articles 21 and 22(5) of the Constitution of India.

It is contended that for the grounds mentioned above, the Order of Detention passed on 04.07.2025 under Section 3(1) of the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, [Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates] Act, 1985 ('1985 Act' for short) is illegal and liable to be set aside.

4. The learned counsel appearing for the writ petitioner placed reliance on the following decisions:-

- ***Ameena Begum v. The State of Telangana & Ors.*** reported in **2023 LiveLaw (SC) 743;**
- ***Smt. Jayamma v. Commissioner of Police & Ors.*** reported in **2019 SCC Online Kar 2965;** and
- ***Sri. Anil Kumar V @ Anil Reddy @ Anil v. Commissioner of Police & Ors*** by Order dated **28.02.2025** passed in **W.P.H.C.No.4/2025.**

5. The learned State Public Prosecutor-1 appearing for the respondents, on the other hand, has placed a detailed statement of objections on record. The detinue -

Shri. Manjunatha @ Hoo Manja is the son of the petitioner. It is submitted that the detainee has been habitually engaging in serious criminal activities and is involved in offences including murder, attempt to murder, rioting, assault, theft, and other acts of violence, thereby creating an atmosphere of fear and insecurity among the general public. It is further submitted that a Rowdy Sheet was opened against the detainee at Yelahanka New Town Police Station on 06.12.2014. The consolidated statement of the criminal cases registered against the detainee is given below:-

SL. No.	Police Station & Crime No	Sections	Brief Allegation	Case Status
1.	Yelahanka New Town PS -Cr. No. 158/2013	143, 147, 148, 302 r/w 149 IPC	Murder case involving attack with lethal weapons	Trial in SC No. 1515/2013
2.	Yelahanka New Town PS -Cr. No. 149/2013	454,457,380 IPC	House breaking and theft of gold and silver ornaments	Trial pending (CC No. 14145/2013)
3.	Yelahanka New Town	143, 147, 148, 307 r/w	Attempt to murder	Acquitted (SC No.

	PS -Cr. No. 124/2015	149 IPC		693/2017-29.11.2023)
4.	Yelahanka New Town PS -Cr. No. 43/2019	143, 144, 147, 148, 506, 323, 307 r/w 149 IPC	Assault and attempt to murder	Trial pending (CC No. 3595/2024)
5.	Yelahanka New Town PS-Cr. No. 423/2024	109(1), 189(4), 190, 191(1)(2)(3), 111 BNS	Assault with machetes causing grievous injuries	Committed to Sessions Court -SC No. awaited
6.	Chikkajala PS -Cr. No. 259/2024	109, 117(3), 118, 3(5), 61 BNS	Attempt to murder with machetes causing severe injuries including amputation	Trial pending (SC No. 15043/2025)

6. It is submitted that the Detaining Authority was satisfied that the detainee is a 'goonda' under Section 2(g) of the 1985 Act. Respondent No.2 upon recording the subjective satisfaction that the activities of the detainee were prejudicial to the maintenance of public order, passed the Detention Order dated 04.07.2025 under Sections 3(1) and 3(2) of the 1985 Act. It is further submitted that the detainee was furnished with the Detention Order and the

grounds of detention on the same day. He was also informed of his right to make representations before the Detaining Authority, Advisory Board and the State Government.

7. The State Government approved the Detention Order on 14.07.2025. The State Government rejected the representation of the detainee on 25.07.2025. The Detention Order along with other connected records was placed before the Advisory board on 18.07.2025 and the detainee submitted a representation before the Board on 22.07.2025. Thereafter, the Advisory Board held its sitting and considered the case of the detainee on 04.08.2025 and prepared its report and opinion on 19.08.2025, opining that there was sufficient cause for continued detention of the detainee. The State Government upon receiving the report of the Advisory Board on 23.06.2025, confirmed the same on 25.06.2025.

8. In response to the grounds raised by the petitioner, the learned SPP-1 submitted that the Detention Order is based on a series of criminal cases, which

demonstrate a consistent pattern of violent behaviour exhibited by the detainee over a period of time. The cumulative effects of these incidents establish that the detainee is a habitual offender whose activities are prejudicial to public order.

9. It is further submitted the fact that the detainee has been acquitted in one case or has obtained bail in several other criminal cases does not negate his criminal antecedents. The Detaining Authority has rightly relied upon the criminal antecedents of the detainee while arriving at the subjective satisfaction.

10. It is further submitted that the Detaining Authority was aware that the detainee had been enlarged on bail in Crime No.259/2024. The Detention Order records that despite being granted bail in several cases earlier, the detainee continued to be involved in criminal activities. In ***Union of India v. Paul Manickam*** reported in **(2003) 8 SCC 342**, the Apex Court held that preventive detention can validly be ordered even when the detainee is on bail, if there

exists a real possibility of him in continuing prejudicial activities.

11. It is further submitted that the Detention Order has been passed strictly in accordance with the provisions of the 1985 Act and the constitutional safeguards provided under Articles 21 and 22(5) of the Constitution of India. The Detention Order was approved by the State Government within the statutory time and the matter was referred to the Advisory Board within the required time under the 1985 Act.

12. We have heard the learned counsel appearing on either side and have considered the contentions advanced. We notice that the Detention, Approval and Confirmation Orders produced by the petitioner contain the admitted signature of the detainee. From an examination of the original files produced by the respondent, the very same signature is affixed to the grounds of detention available in the file. The learned SPP-1 submits that the grounds of detention were duly served on the detainee and the detainee has signed in his own hand acknowledging the receipt of the

Detention Order as well as the grounds of detention and the supporting documents. A photograph of the detainee accepting the detention order is also available in the file which was shown to the petitioner's counsel. In the circumstances, the primary contention urged by the petitioner that the detainee was served with only the Order of Detention and supporting documents and that the grounds of detention were not served on him is not factually correct and the said ground therefore, fails.

13. Further, we notice from the grounds of detention available in the file that the fact of the detainee being enlarged on bail on 02.07.2025 pursuant to the order of this Court is clearly mentioned in the grounds of detention. Further, the contention raised by the petitioner that there is no proximity between the date of the last prejudicial activity and the passing of the Order of Detention, is also factually incorrect, in view of the fact that though the last crime was committed in December 2024, the detainee was admittedly in judicial custody till he was enlarged on bail on 02.07.2025. If that be so, the contention with regard to

lack of proximity also has to fail that it is only when there is a chance of the detainee being released on bail or when the detainee is actually released on bail that the question of preventive detention arises at all.

14. The further contention that the detainee was a minor when he committed two of the offences is also not borne out by the records in the instant case. The records would show that the detainee is presently aged about 31 years. His date of birth is recorded as 16.06.1994. The said fact is not specifically disputed by the petitioner, who is his mother. Therefore, the contention that the detainee was a minor in the year 2013 when the offences were committed does not stand to reason. The said contention is only to be rejected. The further contention that the detainee was on bail in all the cases is not sustainable in view of the fact that there are cases registered against the detainee when he was admittedly on bail in earlier offences. The Detention Order cannot be set aside on the said ground.

15. The Order of the Government approving the detention specifically states that the detainee has been involved in several cases such as murder, attempted murder, assault, rioting, house breaking thefts, threats etc. The fact that he has been released on bail in the pending cases is also specifically recorded. It is stated that after being released on bail, he absconds, commits further crimes and violates bail conditions. The Order also says that there is a possibility of gang-wars between his associates and rivals, since he is habitually committing criminal cases. The Detaining Authority as well as the Government specifically state that the detention is required to maintain public order.

16. In view of the fact that the Order of Detention along with the grounds and all supporting documents have been duly served on the detainee and since we have found that the grounds raised by him in challenge to the Order of Detention are not sustainable, the challenge raised to the orders of preventive detention is devoid of merits.

17. The Writ Petition (Habeas Corpus) therefore fails and the same is accordingly ***dismissed***.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

cp*