



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION HABEAS CORPUS NO. 27 OF 2026

BETWEEN:

SMT. MUBEENA BANU
W/O LATE SHABEER AHMED
AGED ABOUT 50 YEARS
R/AT NO.214, SRINAGAR
BEHIND JAIL ROAD
HASSAN CITY, HASSAN DISTRICT
HASSAN 573 201
(MOTHER OF THE DETENU - ACCUSED NO.1)

...PETITIONER

(BY SRI. SYED AMEER, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
HOME DEPARTMENT
VIDHANA SOUDHA
BENGALURU 560 001
2. SUPERINTENDENT OF POLICE
HASSAN DISTRICT
HASSAN 573 201
3. STATION HOUSE OFFICER
HASSAN CITY POLICE STATION
HASSAN DISTRICT, HASSAN 573 201





4. STATION HOUSE OFFICER
UDAYAGIRI POLICE STATION
MYSURU DISTRICT
MYSURU 570 019
5. KESHAVA PRASAD
SUB-INSPECTOR OF POLICE
HASSAN CITY POLICE STATION
HASSAN DISTRICT
HASSAN 573 201
6. SUPERINTENDENT OF JAIL
DISTRICT PRISON, HASSAN
HASSAN 573 201

...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 A) ISSUE A WRIT OF HABEAS CORPUS DIRECTING THE RESPONDENTS TO PRODUCE THE DETENUE BEFORE THIS COURT AND SET THE THEM AT LIBERTY BY DECLARING THIRE DETENTION IN CONNECTION WITH CRIME NO.0030/2026 OF HASSAN CITY POLICE STATION AS ILLEGAL AND UNCONSTITUTIONAL.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU



ORAL JUDGMENT

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

This Writ Petition (Habeas Corpus) is filed seeking the following reliefs:-

- "1. Issue a Writ of Habeas Corpus directing the respondents to produce the detainee before this Hon'ble Court and set them at liberty, by declaring their detention in connection with Crime No.0030/2026 of Hassan City Police Station as illegal and unconstitutional.*
- 2. Direct CCTV footage Storage of the respondent No.3 Hassan Police Station from 01.02.2026 to 03.02.2026 and respondent No.4 Udayagiri Police station from 31.01.2026 to 01.02.2026 to be kept, stored and produced before this Hon'ble Court and furnish one pen drive to the accused persons enable the accused persons to conduct fair trial along with independent enquiry into the illegal detention and custodial torture of the detainee.*
- 3. Direct the State Government to pay compensation of not less than Rs.25,00,000(Rupees Twenty Five Lakhs) to the detainee for the violation of their*



fundamental rights and the custodial torture inflicted upon them, apart from such other reliefs as this Hon'ble Court deems fit in the interest of justice."

2. We have heard the learned counsel appearing for the writ petitioner as well as the State Public Prosecutor appearing for the respondents.

3. It is contended in the writ petition that the writ petitioner's son had been taken into custody illegally without any crime having been registered against him on 31.01.2026 at midnight. It is contended that a crime has been registered only on 03.02.2026. However, it is submitted that the detainee has now been produced before the Magistrate and is continuing in custody in the criminal case.

4. The learned State Public Prosecutor appearing for the respondents submits that there are several criminal cases pending against the detainee as well as the writ petitioner herein and that the detainee is in judicial custody from 03.02.2026, in connection with Crime No.0030/2026 of the Hassan City Police Station.



5. Having considered the contentions advanced, we notice that the contention in the writ petition itself is that the detinue is presently in custody, in connection with a crime. The contention raised is that the detinue had been kept under illegal detention from 01.02.2026 to 03.02.2026.

6. In view of the fact that presently the detinue is in Judicial custody in connection with a crime, we are of the opinion that the Writ of Habeas Corpus cannot be sought for seeking production of a person who is admittedly in Judicial custody in connection with a crime. Accordingly, the Writ Petition (Habeas Corpus) is ***dismissed*** without prejudice to the contentions of the writ petitioner and the right of the detinue to move appropriate proceedings, in accordance with law.

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

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