APHC010568952025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3558]
(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 29381 of 2025

Between:

1. KAVETI MADHAVI, AGED 29 YEARS, W/O.MANIPATI RAJU, H.NO.14-48, A R COLONY, PANYAM VILLAGE & MANDAL, KURNOOL DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS CHIEF SECRETARY, GENERAL ADMINISTRATION (S.C.I) DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE COLLECTOR AND DISTRICT MAGISTRATE, NANDYAL DISTRICT, NANDYAL, AP.
3. THE SUPERINTENDENT OF POLICE, NANDYAL DISTRICT, NANDYAL, AP.
4. THE SUPERINTENDENT, CENTRAL PRISON, KADAPA, YSR KADAPA DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1. THATHIREDDY ASHOK SRIVASTAVA

Counsel for the Respondent(S):

1. THE ADVOCATE GENERAL

The Court made the following:

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION No.29381 of 2025

O R D E R: *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

The order of preventive detention dated 24.07.2025 passed against a person by name Manipati Raju by the 2nd respondent – Collector & District Magistrate, Nandyal District, which, in turn, was confirmed by the State as per G.O.Rt.No.1614, General Administration (SC-I) Department, dated 03.09.2025, is under challenge in this writ petition.

2. Heard learned counsel for the petitioner and learned Government Pleader attached to the office of the learned Additional Advocate General appearing for the respondents.

3. The petitioner is the wife of a person by name Manipati Raju (hereinafter referred to as 'detenu'). About four crimes were registered against the detenu for the offences punishable under the A.P. Prohibition Act. Conditional bail was granted to him in all the said four crimes. Alleging that the detenu has been repeatedly indulging in commission of the said crimes, which are prejudicial to the health and safety of the public and maintenance of public order, the sponsoring authority made a request to the detaining authority to pass an order of preventive detention against him. The detaining authority, after considering the material placed before him by the sponsoring authority, considered the detenu as a bootlegger as defined under Section 2(b) of the Andhra Pradesh Prevention of Dangerous Activities of

Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, and he was of the opinion that an order of preventive detention is required to be passed against the detenu as his acts in repeatedly indulging in commission of the said crimes are prejudicial to the maintenance of public order and posing danger to public safety and health. Accordingly, he has passed the impugned order of preventive detention against the detenu. It was considered and confirmed by the State as per G.O.Rt.No.1614, General Administration (SC-I) Department, dated 03.09.2025 and since then he has been in custody.

4. The petitioner, who is his wife, seeks to challenge the impugned order of preventive detention on the ground that even though the detenu was enlarged on conditional bail in all the four crimes, copies of the orders of bail are not placed before the detaining authority for the purpose of considering the same and applying his mind whether to pass an order of preventive detention against the detenu or not and it vitiates the impugned order of preventive detention and it is liable to be set aside on this sole ground.

5. The 2nd respondent has filed a detailed counter opposing the writ petition. It is admitted that conditional bail was granted in all the four crimes to the detenu. But, it is pleaded that though the copies of the orders of bail are not placed before the detaining authority that the detaining authority got knowledge of the grant of bail and that bail bonds are placed before him and it is sufficient compliance of the mandate of law and the impugned order of preventive detention cannot be said to have been vitiated and it is not liable to be set aside.

6. Learned Government Pleader appearing for the respondents reiterates the said contentions while making his submissions as pleaded in the counter and prayed to dismiss the writ petition.

7. When admittedly conditional bail was granted to the detenu before passing the order of preventive detention in all the four crimes that are taken into consideration, the law requires to place the copies of the said orders of bail before the detaining authority to consider the same for the purpose of applying his mind whether to pass an order of preventive detention or not. If the copies of the said orders of bail are not placed before him, as per settled law, it vitiates the order of preventive detention and it is liable to be set aside on this sole ground.

8. Particularly, when bail was granted to the detenu on conditions, the detaining authority, while dealing with the conditions imposed in the order of bail, has to consider the impact of the said conditions also in the detention order. If the impact of the said conditions in repeatedly committing the said offences by the detenu is not considered by the detaining authority in the order of preventive detention, it invalidates the order of preventive detention. The said law has been clearly laid down by the Apex Court in the case of ***Joyi Kitty Joseph v. Union of India & Others***[1] and also in the case of ***Nenavath Bujji Etc. v. The State of Telangana & Others***[2]. After considering the said judgments, a coordinate Bench of this Court, in W.P.No.6176 of 2025, held in para No.12 of the judgment that even though the detaining authority has discussed about the conditions stipulated in the bail order in his order of preventive detention, if the detaining authority has not considered the impact of the said conditions in the order of preventive detention that it would fall foul of the directions issued by the Apex Court in the

[1] (2025) 4 SCC 476
[2] 2024 SCC OnLine SC 367

aforesaid ***Joyi Kitty Joseph's*** case and ***Nenavath Bujji's*** case. The same view was taken by this Bench also in W.P.No.28021 of 2025 decided on 01.04.2026, after considering the law enunciated in the above cited judgments.

9. Therefore, as the detaining authority did not discuss about the impact of the conditions imposed in the bail orders granted to the detenu in the present case, it certainly invalidates the order of preventive detention and the same is liable to be set aside on this sole ground.

10. Resultantly, the writ petition is allowed, setting aside the impugned order of preventive detention dated 24.07.2025 passed against the detenu, which, in turn, was confirmed by the State by G.O.Rt.No.1614, General Administration (SC-I) Department, dated 03.09.2025. The detenu by name Manipati Raju shall be released forthwith and shall be set at liberty, if not required in any other case. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, in this case shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 05.05.2026
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THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

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Dt: 05.05.2026

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