VERDICTUM.IN

***THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA**
AND
***THE HON'BLE SMT.JUSTICE RENUKA YARA**

+ WRIT PETITION Nos.7309, 6838, 6845, 8176, 8178 AND 8574 OF 2026

% 13.11.2025

WRIT PETITION Nos.7309 OF 2026:

Atmakuri Srinu @ Nagaraju

...Petitioner

vs.

$ The State of Telangana and Two Others

... Respondents

!Counsel for the Petitioners:

Mr. V. Raghunath, learned Senior Counsel representing Ms. Verose Sanjana, learned counsel appearing for the petitioners in W.P. Nos.7309, 6845 and 8574 of 2026 and Mr. Ajith Reddy, learned counsel appearing for the petitioners in W.P. Nos.6838, 8176 and 8178 of 2026.

^Counsel for Respondents:

Mr. Swaroop Oorilla, the learned Special Government Pleader, representing the learned Additional Advocate General, appearing for the respondent Nos.1 to 3.

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>Head Note :

? Cases referred

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THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
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WRIT PETITION Nos.7309, 6838, 6845, 8176, 8178 AND 8574 OF 2026
(CNR No.HBHC010144472026)

13th November, 2026

RESERVED ON: 02.11.2026

PRONOUNCED ON : 13.11.2026
UPLOADED ON : 13.11.2026

W.P.NO.7309 OF 2026:

BETWEEN:

Atmakuri Srinu @ Nagaraju

.....Petitioner

AND

The State of Telangana and Two Others

.....Respondents

Mr. V. Raghunath, learned Senior Counsel representing Ms. Verose Sanjana, learned counsel appearing for the petitioners in W.P. Nos.7309, 6845 and 8574 of 2026 and Mr. Ajith Reddy, learned counsel appearing for the petitioners in W.P. Nos.6838, 8176 and 8178 of 2026.

Mr. Swaroop Oorilla, the learned Special Government Pleader, representing the learned Additional Advocate General, appearing for the respondent Nos.1 to 3.

COMMON ORDER: (*Per Hon'ble Justice Moushumi Bhattacharya*)

1. A batch of Writ Petitions have been filed seeking a Writ of Habeas Corpus to produce the detenus and order for their release by setting aside the impugned detention orders dated 14.11.2025 passed by the Commissioner of Police, Hyderabad. The detention

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orders were confirmed by the Secretary to the Government (Poll.) (FAC), General Administration (Spl. Law and Order) Department, State of Telangana, Hyderabad/the respondent No.1 on 24.11.2025 and 12.01.2026.

2. The detenus are the accused in Crime No.265 of 2025, on the file of Malakpet Police Station, which forms the basis of the impugned detention orders dated 14.11.2025. Since the substance of the six Writ Petitions is the same, we deem it fit to pass a Common Order in all six Writ Petitions.

3. W.P.No.7309 of 2026, the lead case of the batch, is filed in respect of Atmakuri Srinu @ Nagaraju who is the accused No.3.

W.P.No.6838 of 2026 is filed in respect of Kandukuri Prashanth who is the accused No.4.

W.P.No.6845 of 2026 is filed in respect of Kumba Yedukondalu who is the accused No.2.

W.P.No.8176 of 2026 is filed in respect of Arjun Gnana Prakash who is the accused No.5.

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W.P.No.8178 of 2026 is filed in respect of Lingibedi Rambabu who is the accused No.6.

W.P.No.8574 of 2026 is filed in respect of Donthi Rajesh @ Rajanna @ Kanna who is the accused No.1.

4. All six detenus were detained under the provisions of The Telangana Prevention of Dangerous Activities of Boot-Leggers, 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 ('the 1986 Act'), after being classified as 'Goonda's under section 2(g) of the said Act.

5. We first deal with the factual and legal contentions raised in W.P.No.7309 of 2026 as argued in the lead case.

6. *Vide* the impugned detention orders, the writ petitioners were detained under section 3(2) of the 1986 Act. The Ground/basic

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offence which was taken into consideration for the order of detention is Crime No.265 of 2025 registered for the offences under sections 115(1), 103(1), 61(2) read with section 3(4) of The Bharatiya Nyaya Sanhita, 2023 ('BNS') (criminal conspiracy, causing hurt and murder); section 25(1B)(a) and 27(3) of The Arms Act, 1959 (carrying and using a firearm without license); and section 3(2)(v) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the SC/ST Act') (commuting an offence punishable with imprisonment of a term of ten years or more against a person belonging to a Scheduled Caste or a Scheduled Tribe).

7. The six detention orders contain the same set of facts and grounds for detention. The Grounds for detention specifically deal with the offence (Crime No.265 of 2025) and the factual matrix involved in the offence. The facts stated in the detention orders are as follows:

8. On 15.07.2025, Dhonti Rajesh made a phone call to Atmakuri Srinu and asked him to come down from his lodge with weapons. When Atmakuri Srinu and his associates (the four other detenus)

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came down from the lodge, Dhonti Rajesh narrated the plan of killing the deceased (Kethavath Chandu Rathod) and assigned a role to each of the detenus for committing the offence. Dhonti Rajesh handed over chilli powder to Kandukuri Prashanth, a bag containing four knives to Lingabedi Rambabu, a revolver to Atmakuri Srinu and a pistol to Arjun Gnana Prakash. The accused persons (including the detenus) left the place in a Maruti Swift car and reached the house of the deceased at about 6:10 hours and waited for the deceased. The deceased came out of his house after a while and proceeded towards the GHMC Park, Shalivahana Nagar, Malakpet, on his Hero Honda Motorcycle along with his wife and daughter. Atmakuri Srinu and his associates followed the deceased in the crime vehicle and stopped their vehicle at the west gate of the park.

9. The wife and the daughter of the deceased left the park at about 7:10 hours. Thereafter, Atmakuri Srinu and his associate Kandukuri Prashanth entered the park and monitored the movements of the deceased. At about 07:20 hours, when the deceased along with one Boda Nagaraju was walking towards the

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west gate exit of the park, Kandukuri Prashanth threw chilli powder in the eyes of the deceased and Atmakuri Srinu and Arjun Gnana Prakash opened fired at him multiple times using a revolver and pistol. The deceased sustained bullet injuries and fell to the ground. Immediately, Dhonti Rajesh took the pistol from Arjun Gnana Prakash and fired another shot at the deceased resulting in his instantaneous death.

10. After the commission of the offence, Atmakuri Srinu and his associates fled the scene in the crime vehicle. One Kogari Naveen, who witnessed the incident, recorded the escape of Atmakuri Srinu and his associates in the crime vehicle on his mobile phone. Donthi Rajesh got down from the vehicle at Chaitanyapuri while his associates proceeded to other places. Arjun Gnana Prakash called Taltam Suresh, Atmakuri Srinu and his associates and got into his car and went towards Kodad after collecting the personal bag of Donthi Rajesh containing clothes with the assistance of Etikala Anjaiah. Atmakuri Srinu and his associates threw the bag containing four knives into a palm oil garden to conceal the evidence.

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11. On 15.07.2025 at about 08.05 hours, Kethavath Nari Bai/wife of the deceased lodged a complaint before the Malakpet Police Station regarding her husband's killing by the accused. Crime No.265 of 2025 was registered on the basis of the said complaint at Malakpet Police Station and the Inspector of Police, Malakpet, took up the investigation.

12. The Grounds of detention record that the Investigating Officer visited the scene of offence and seized several material objects. By the proceedings dated 19.07.2025, the ACP, Malakpet Division was instructed to take further investigation as the Investigating Officer. On 18.07.2025, Arjun Gnana Prakash and Lingibedi Rambabu were apprehended whereupon they disclosed that Donthi Rajesh and their associates were at Hanamkonda Road, Jangaon. Donthi Rajesh, Kumba Yedukondalu and Kandukuri Prashanth were apprehended with firearms.

13. The Investigating Officer recorded detailed confessional statements of Donthi Rajesh, Kumba Yedukondalu and Kandukuri Prashanth in the presence of the mediators. The detenus voluntarily confessed to brutally killing the deceased by opening

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fire. Pursuant to the said confession, the Investigating Officer seized weapons including a revolver and catridges as well as mobile phones. Gold and Silver ornaments and cash were also seized from Arjun Gnana Prakash and stolen cash was seized from Lingibedi Rambabu. Atmakuri Srinu surrendered before the learned VII Metropolitan Magistrate at Hyderabad on 18.07.2025 and was remanded to judicial custody.

14. A Test Identification Parade was conducted on 30.08.2025 with the wife and daughter of the deceased and two other independent eye witnesses. The wife and daughter of the deceased identified Donthi Rajesh, Kumba Yedukondalu and Kandukuri Prashanth. The witnesses also correctly identified Kumba Yedukondalu and Atmakuri Srinu. The fire arms seized along with the blood-stained clothes of the deceased were sent to Forensic Science Laboratories, Hyderabad, Telangana for chemical and ballistic examination. The Assistant Director opined that human blood was detected on the deformed copper jacketed bullets and the t-shirt of the deceased. It was further reported that the pistol and

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revolver were country-made and in working order and had been previously fired but the exact dates cannot be ascertained.

15. Fingerprint Experts compared the fingerprints of Kandukuri Prashanth, Donthi Rajesh, Lingibedi Rambabu, Kumba Yedukondalu and Arjun Gnana Prakash and furnished a Report on 28.07.2025 opining that the fingerprints are identical.

16. The detenus moved bail petitions before the Special Judge for Trial of Offences under SCs and STs (POA) Act, Secunderabad on 19.08.2025 and 15.09.2025, respectively, which were opposed by the prosecution. The bail petitions were dismissed on 30.08.2025, 07.10.2025 and 17.10.2025. Subsequently, the detenus again applied for bail and the bail applications were opposed by the prosecution. However, the Court granted conditional bail to the detenus and ordered their release from judicial custody on 23.10.2025 and 28.10.2025. The Investigating Officer filed petitions before the Court seeking cancellation of bail granted to the detenus and the petitions are pending consideration.

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17. The Grounds of detention state that the detenus are notorious and dangerous criminals with past history of attempt to murder and that the detenus brutally killed the deceased in broad daylight in a public place within the limits of Hyderabad Police which consequently adversely affected maintenance of public order. The detenus were classified as 'Goonda's under section 2(g) of the 1986 Act.

18. The Grounds conclude by stating that the detenus (along with their associates) brutally killed the deceased in a public place creating fear, terror and panic in the minds of the general public thereby disrupting public order and tranquility in the area. Hence it was imperative to prevent the detenus from acting in a manner prejudicial to the maintenance of public order and recourse to normal law may not be an effective deterrent in preventing the detenus from indulging in such activities. The impugned detention orders supported by the Grounds were approved on 24.11.2025 and 12.01.2026 by the State of Telangana.

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19. We have considered the submissions of learned Senior Counsel appearing for the petitioners as well as the learned Special Government Pleader appearing for the respondents/State.

20. The primary submission made on behalf of the petitioners is that the impugned orders do not satisfy the requirement of 'Goonda' as defined under section 2(g) of the 1986 Act. It is also the petitioners' case that the impugned orders were invoked subsequent to the detenus being enlarged on bail which is impermissible in law. According to the petitioners, the State could have sought recourse to the remedies available in criminal law by pursuing the petitions for cancellation of bail granted to the detenus.

21. On the other hand, the principal submission made on behalf of the State is that the crime was committed in broad day light, in a public place (GHMC Park, Shalivahana Nagar) and in a manner which would instill fear, intimidation and panic amongst the public especially to the persons who witnessed the commission of the crime in the park. It is submitted that the morning

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walkers/persons who normally use the park for walking, assuming the place to be a safe space, were traumatised by the crime.

22. The word 'Goonda' as defined under section 2(g) of the 1986 Act is set out below:

> *'"goonda" means a person, who either by himself or as a member of or leader of a gang, habitually commits, or attempts to commit or abets the commission of offences punishable under Chapter XVI or Chapter XVII or Chapter XXII of the Indian Penal Code;'*

23. The offences punishable under Chapter XVI, XVII and XXII of the IPC cover Offences Affecting the Human Body, Offences Against Property, and Criminal Intimidation, Insult and Annoyance, respectively.

24. The defining feature of the word 'goonda' under section 2(g) of the 1986 Act consists in the words '*habitually commits, or attempts to commit or abets…*'. The word 'habitually' means doing something often or a usual pattern of behavior expressed through actions. The expression thus contemplates a degree of repetition and continuity. The inclination to commit offences punishable under the prescribed sections of the IPC hence cannot be inferred from a solitary act but must be reflected through multiple instances of

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commission or attempted commission of such offences. Therefore, there must be multiple instances of committing offences, whether by reference to the number or frequency of offences, for a person to be categorized as a 'Goonda'. A solitary offence cannot by itself satisfy the requirement of the word 'habitually' under section 2(g) of the 1986 Act.

25. In the present case, the six detention orders individually reflect that the Commissioner of Police took into account only one crime, namely, Crime No.265 of 2025 for passing the impugned detention orders against the detenus. None of the impugned detention orders reflect more than one crime committed by the detenus. The fact that only one criminal case has been relied upon to bring the detenu within the definition of a 'Goonda' raises a serious question on the legality of the impugned detention orders with reference to the definition under section 2 (g) of the Act.

26. Although the impugned detention orders describe the detenus as notorious and dangerous criminals with a criminal history involving offences such as 'attempt to murder', the substance of the impugned orders however reveal that the detention is grounded

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solely on Crime No.265 of 2026 relating to the killing of Khethavath Chandu Rathod. The impugned detention orders make no reference to or rely upon any other crimes allegedly committed by the detenus evidencing their 'past criminal history'. While each of the detenus were attributed a role in the murder of Khethavath Chandu Rathod, the crime relied upon in each of the impugned order is the same, namely, Crime No.265 of 2025.

27. Having regard to the definition of 'Goonda' under section 2(g) of the 1986 Act, we reiterate that for a person to be classified as a 'Goonda', the statutory requirements of habituality must first be satisfied. In other words, the material relied upon must establish that the detenu is a habitual offender in respect of the offences contemplated under Chapters XVI, XVII and XXII of the IPC, as mentioned in the said section.

28. In the present case, there is no statement or evidence showing that the detenus were habitual offenders or have habitually committed offences falling within the aforesaid Chapters of the IPC. The gravity, brutality or premeditated nature of a crime cannot, by itself, bring an accused within the ambit of section 2(g)

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of the 1986 Act unless 'habituality' is established, preceding the requirement of acting in a manner prejudicial to the maintenance of public order as mentioned under section 2(a) of the 1986 Act.

29. The present case fails to satisfy the fundamental requirement of a 'Goonda' insofar as the detenus being linked only to one crime, namely, Crime No.265 of 2025.

30. A special statute involving consequences infringing on personal liberty must receive a precise and strict construction. Therefore, the words '*habitually commits, attempts to commit or abets....*' cannot be overlooked or put on the same plane as other categories of offences/offenders under section 2 - which do not require habituality. The very fact that the Legislature thought it fit to require 'habituality' for classification as a 'Goonda', while making it irrelevant in the other sub-sections of section 2, requiring the detaining authority to employ the definition only where the subject matter of detention shows habituality or repeat offences.

31. We are thus constrained to hold that all six impugned detention orders dated 14.11.2025, as approved by the Government

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of State of Telangana on 24.11.2025 and 12.01.2026 are liable to be quashed and set aside for the reasons stated above.

32. The facts in the six writ petitions are substantially the same since the petitioners in each of the writ petitions were detained on the basis of registration of Crime No.265 of 2025 against them. All the impugned detention orders also contain the same Grounds for detaining the detenus by individually linking them to the said crime.

33. The impugned detention orders dated 14.11.2025, passed by the Commissioner of Police, Hyderabad and confirmed by the Secretary to the Government (Poll.) (FAC), General Administration (Spl. Law and Order) Department, State of Telangana, Hyderabad on 24.11.2025 and 12.01.2026, are hereby set aside. Consequently, the Superintendent of Jail, Central Prison, Chanchalguda, Hyderabad, is directed to forthwith release the detenus from detention, if they are not required to be detained in connection with any other case/crime.

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34. W.P.Nos. 7309, 6838, 6845, 8176, 8178 and 8574 of 2026, along with all connected applications, are accordingly allowed in terms of this Common Order.

MOUSHUMI BHATTACHARYA, J

RENUKA YARA, J

13th November, 2026
Note: L.R. Copy be marked.
B/o. BMS/TJMR