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

+ WRIT PETITION No.36328 OF 2026

%Dated 05.11.2026

BETWEEN:

Syed Altaf

...Petitioner

VERSUS

State of Telangana,
Rep. by its Principal Secretary to Government,
Home Department, Government of Telangana,
Secretariat, Hyderabad and 3 Others

...Respondents

! Counsel for Petitioner	:	Mr. Lakkireddy Lokesh Reddy, learned counsel.
^ Counsel for Respondents	:	Mr. Pradeep Kumar, the learned Government Pleader representing the learned Advocate General appearing for the respondents.

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? Cases referred :

HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT PETITION No.36328 of 2026

(CNR No. HBHC010746602026)
DATE: 05.11.2026

Between:

Syed Altaf.

...Petitioner

And

State of Telangana,
Rep. by its Principal Secretary to Government,
Home Department, Government of Telangana,
Secretariat, Hyderabad and 3 Others.

...Respondents

Mr. Lakkireddy Lokesh Reddy, learned counsel appearing for the petitioner.

Mr. Pradeep Kumar, the learned Government Pleader representing the learned Advocate General appearing for the respondents.

ORDER: (Per Hon'ble Justice Moushumi Bhattacharya)

1. The Writ Petition has been filed against the detention of the alleged detenue who is stated to be a 33 year-old woman. The petitioner claims to be a cousin of the alleged detenue.

2. The petitioner's case is that the alleged detenue has been illegally detained on 06.10.2026 by the respondent No.3, Station House Officer/Inspector of Police, Jubilee Hills Police Station, Jubilee Hills Division, Hyderabad, in the State Home, Madhura Nagar, Hyderabad.

3. The brief facts culminating in the filing of the present Writ Petition are as follows:

3.1. The alleged detenue along with six others was picked up by the Police pursuant to a raid conducted at 'Loki Ayurvedi Family SPA' located in Gayatri Hills, Hyderabad, on 06.10.2026 at 21:00 hours.

3.2. The accused was arrested on 06.10.2026 at 23:45 hours pursuant to under section 143(2) of The Bharatiya Nyaya Sanhita, 2023 ('BNS') and sections 3, 4 and 5 of The Prevention of Immortal Trafficking Act, 1956 ('1956 Act'). The remand Report was filed on 06.10.2026 at 23:45 hours.

3.3. The alleged detenue was thereafter produced before the learned XVII Additional Chief Judicial Magistrate at Nampally, on 07.10.2026.

3.4. The learned XVII Additional Chief Judicial Magistrate at Nampally, directed the alleged detenue and six other women (described as victims by the Chief Judicial Magistrate) to be sent to a Prajwala NGO, Tukkuguda, Hyderabad, for safe custody under escort till further orders.

4. The Court is informed that the alleged detenue, along with six other women have been kept in a safe home-'Prajwala', an anti-trafficking NGO in Hyderabad since 07.10.2026. The document from Prajwala dated 23.10.2026 confirms the aforesaid.

5. The case of the respondents is that the accused was running a brothel under the guise of a spa. Hence, the seven women who were apprehended by the Police on 06.10.2026 from the said spa are victims of trafficking and commercial sexual exploitation within the meaning of section 143(2) of the BNS and section 5 of the 1956 Act. It is also the respondent's case that the alleged detenue was a sex worker in the said brothel house contrary to the petitioner's contention that the alleged detenue worked as a receptionist in the said spa.

6. Upon hearing learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents, we are of the considered view that the present Writ Petition for a writ of Habeas Corpus is devoid of any merit.

7. First and foremost, the identity of the petitioner, described as cousin of the alleged detenue is without corroborative evidence and is hence suspicious. It is settled that the Court must give weightage to the relationship between the petitioner and the alleged detenue for the purpose of a writ of Habeas Corpus.

8. Second, the detention in the present case cannot be characterized as unlawful detention. The alleged detenue has been admitted in Prajwala NGO, Tukkuguda, Hyderabad for safe custody pursuant to the direction given by the learned XVII Additional Chief Judicial Magistrate at Nampally, under section 17(4) of the 1956 Act. The word 'prostitution' is defined under section 2(f) of the 1956 Act and the word 'protective home' is defined under section 2(g) of the 1956 Act.

9. Section 17(4) of the 1956 Act obligates the Magistrate, before passing any order of detention in a protective home, for not less than

one year and not more than three years, to be satisfied of the inquiry required under section 17(2) with respect to the correctness of the information received under section 16(1) and whether the rescued person is in need of care and protection.

10. It is evident from the above that the placement of a person rescued under section 16 of the 1956 Act in a protective home is a measure contemplated under the statutory scheme of the 1956 Act for the care and protection of the rescued individual. Such placement is not a permanent arrangement and the eventual rehabilitation or restoration of the individual to their family and society must be in accordance with the safeguards prescribed under section 17(4) of the 1956 Act.

11. Therefore, the placement of the alleged detenue in a protective home pursuant to the order dated 7.10.2026 of the learned XVII Additional Chief Judicial Magistrate at Nampally passed in accordance with section 17(4) of the 1956 Act, cannot by itself be construed as illegal detention.

12. We are also of the firm view that the investigation is at a crucial stage as would be evident from the summons issued to the detenue for appearance before the concerned Court on 05.12.2026.

13. W.P. No.36328 of 2026, along with all connected applications, is accordingly dismissed. Interim orders, if any, shall stand vacated. There shall be no order as to costs.

MOUSHUMI BHATTACHARYA, J

RENUKA YARA, J

Date: 05.11.2026
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