

**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR**

* * *

W.P.No.26685 OF 2025

Between:

Kamsani Anjali.

Petitioner

VERSUS

The State of Telangana and Others

Respondents

ORDER PRONOUNCED ON: 15.10.2025

**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR**

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? : Yes
2. Whether the copies of judgment may be
Marked to Law Reporters/Journals? : Yes
3. Whether Her Ladyship wishes to
see the fair copy of the Judgment? : No

MOUSHUMI BHATTACHARYA, J

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR
W.P.No.26685 OF 2025

Ms.Vasudha Nagaraj, learned counsel for the petitioner.

Mr.Swaroop Oorilla, learned Special Government Pleader representing the learned Additional Advocate General for the respondent Nos.1-6.

Mr.L.Ravi Chander, learned Senior Counsel appearing for the respondent No.7.

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

1. The petitioner seeks a Writ of Habeas Corpus declaring the action of the State respondents in illegally detaining the alleged detenues in the respondent No.6/State Home and a direction to the State Home to produce the alleged detenues in the Court and to set the detenues free.

2. The petitioner claims to be a close friend of the detenues and claims to know the detenues for seven years having lived with them in the Child Care Institution, Prajwala (an organization registered under Andhra Pradesh (Telangana) Area Public Societies Registration Act) ('Prajwala') and the State Home. The detenues are said to be adults (19 years old).

3. The petitioner, Kamsani Anjali, was released from the respondent No.6/State Home pursuant to an order dated 13.08.2025 passed by this Court in W.P.No.23118 of 2025. The petitioner claims that the detenues “begged” the petitioner for their release and requested the petitioner to engage a lawyer to take up their case.

4. The respondent Nos.1 to 6 are the State respondents. Prajwala is the respondent No.7.

5. Learned counsel appearing for the petitioner submits that the detenues are presently in illegal detention in the respondent No.6/State Home. Counsel submits that both the detenues are adults and the State does not have any right to keep them in the State Home against their wishes. Counsel submits that the detenues are not allowed to lead an independent life or engage counsel to represent their case and hence intend to return to their respective families.

6. Counsel submits that the detenues have been detained without any legal sanction in a State Home which is contrary to The Juvenile Justice (Care and Protection of Children) Act, 2015 (‘the JJ Act’). It is also submitted that the respondent No.7/Prajwala lacks any authority to make any submissions since it is not the Detaining Authority. Counsel

places primacy on the wish of the detenues which is to be reunited with their families.

7. The learned Special Government Pleader appearing for the respondent Nos.1 to 6/State places several documents to show that the release of the detenues would not be in their best interest since both the detenues were rescued on 17.08.2018 by the Yadagirigutta Police as part of human trafficking rescue operation and were victims of human trafficking. It is stated that the Child Welfare Committee ('CWC'), Nalgonda transferred the case of the detenues (case bearing No.407/2019, dated 17.08.2018) to the CWC, Ranga Reddy which further referred the detenues to Prajwala Astha Nivas Child Care Institution for protection and rehabilitation of the detenues. The CWC, Yadadri Bhuvanagiri District reviewed the case of the detenues on 13.02.2024 and 22.05.2024 and passed orders transferring the detenues from Prajwala to the State Home, Madhura Nagar, Hyderabad. The detenues submitted written representations on 21.08.2025 requesting their release and being returned to their families. The Special Government Pleader expresses concern on the alleged detenues being re-victimised in the trafficking racket in Yadagirigutta after their release.

8. Learned Senior Counsel appearing for the respondent No.7/ Prajwala submits that Prajwala was impleaded as a necessary party to the Writ Petition by the order dated 10.09.2025. Counsel submits that the Writ Petition is not maintainable since the petitioner lacks *locus standi* and necessary *bona fides* to maintain the Writ Petition. Counsel submits that the petitioner having been rescued from trafficking herself, may lack the capacity to represent the detenues. It is submitted that the detenues are housed in the State Home, Madhura Nagar pursuant to the valid orders passed by the CWC under the provisions of the JJ Act and that the detenues have a statutory remedy available to them for challenging the orders passed by the CWC, Yadagiri Bhuvanagiri District under the provisions of the JJ Act as well as The Immoral Traffic (Prevention) Act, 1956 ('TTP Act'). Counsel submits that both the detenues are victims and material witnesses in trafficking and POCSO cases which are pending trial and premature release would expose them to threats from traffickers and accused persons.

9. We have considered the submissions made on behalf of the parties and the material placed before us including on the question of maintainability of the present Writ Petition for a Writ of Habeas Corpus.

10. A Writ of Habeas Corpus is an extraordinary constitutional remedy under Article 226 of the Constitution of India for producing the person (corpus) by freeing him/her from illegal detention. Habeas Corpus stems from the Court finding that the detention of the person is not authorized by law and the normal process of the criminal justice system needs to be suitably moulded in order to protect the personal liberty of the detenu. However, the Court must be satisfied of the credentials of the petitioner as well as the detenu being kept in illegal detention. There may be several forms of detention including by warring parents or in cases of marital confinement. It is in this context that the undisputed facts in the present case assume importance.

11. We propose to deal with the issues raised on behalf of the parties under separate heads.

Is the Writ Petition Maintainable?

(a) Locus Standi of the Petitioner to maintain the Writ Petition

12. The writ affidavit filed by the petitioner contains the following Statements. The relevant lines have been reproduced from the writ affidavit.

‘3. I know the detenues Kamsani Purna and Kamsani Ammulu as we lived together for about seven years in the child care institution Prajwala and later at the Respondent No.6 Home. Both of them are older to me by a year. Kamsani Purna studied until 8th class and Kamsani Ammulu has completed her tenth class. Like me they were also “rescued” in a raid in 2018 at Yadagirigutta. Myself and the two detenues are close friends and we have cared for each other during these long years of detention.

4. I state that I was released from detention from the Respondent No.6 Home by way of Order of this Hon’ble Court vide WP No.23118/2025 dated 13-08-2025. I have enclosed the copy of the Order passed by this Hon’ble Court. On the day I set out to be present before this Hon’ble Court, Kamsani Purna and Kamsani Ammulu begged me to speak about their release. They asked me to request a lawyer to take up their case too.’

13. The prayer in the Writ Petition:

‘It is therefore prayed that this Hon’ble Court may be pleased to issue an order, direction or writ in the nature of writ of habeas corpus declaring that the action of the respondent Nos.4 & 5 in illegally detaining the detenues Kamsani Purna & Kamsani Ammulu aged 19 years respectively in the Respondent No.6 Home as unlawful and unconstitutional and further direct the Respondent

No.6 to forthwith produce them before this Hon'ble Court and set them free, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

14. The above paragraphs show that the petitioner claims to be a friend of the detenues, K.Purna and K.Ammulu, by dint of being rescued as a group in a raid in 2018 at Yadagirigutta. It is settled that while a Writ Petition for a Writ of Habeas Corpus may be filed by a 'next friend', the petitioner must establish his/her *bona fides* pertaining to the claimed status: *K. Vs. State of Kerala*¹ and *Ram Kumar Vs. District Magistrate, Delhi*².

15. In the present case, the petitioner's only claim to friendship with the detenues is that they were all part of the rescued group as victims of human trafficking. The petitioner herself was also rescued under the provisions of The Immoral Traffic (Prevention) Act, 1956 ('ITP Act') and was recently released from the State Home pursuant to an order passed by this Court on 13.08.2025 in W.P.No.23118 of 2025. The very fact that the petitioner was part of the group of girls who were rescued by the police in 2018 and was thereafter sent to the care of CWC, Nalgonda,

¹ 2024 SCC OnLine SC 351

² (Vol XVIII (2) ILR 853)

Ranga Reddy and referred to Prajwala for rehabilitation, calls into question not only of the petitioner's *locus* but also her capacity to act as a responsible 'next friend' of the detenues. The petitioner's claim of friendship is further vexed by the fact that none of the representations given by the detenues to the State Home for being returned to their families mention the petitioner. The representations given by the detenues in fact mentions their parents.

16. The writ affidavit also does not contain any statement to suggest that the petitioner seeks release of the alleged detenues for their social rehabilitation or welfare. In this context, it is necessary to bear in mind that the present Writ Petition is not a Public Interest Litigation where the Court is persuaded to address certain larger concerns pertaining to the State Homes or the CWCs.

17. The requirement of the Court to tread cautiously in the matter of *locus standi* where the prayer for production of the detinue is intimately concerned with the liberty and welfare of the detinue. The petitioner's *bona fides* must be beyond doubt in such cases. A person can file the Writ Petition for Habeas Corpus as 'next friend' only if the affected party is incapable of approaching the Court himself/herself due to constraining factors such as incapacity or illegal restraint. A 'next friend'

will be incapable of maintaining a Writ Petition for Habeas Corpus if the family is capable of accessing the Courts: *Kishore Samrite Vs. State of U.P.*³

18. The developments subsequent to the petitioner's release by the order of the Court on 13.08.2025 confuses the picture further. The Special Government Pleader has produced the documents which reveal that although the petitioner got admission at Durgabai Deshmukh Polytechnic College at Hyderabad, the petitioner refused to attend the college on the plea of distance and other logistical problems. Hence, the petitioner's credentials as a responsible friend who is concerned about the future of the detenues does not inspire confidence of the Court.

19. The unsatisfied gaps in the petitioner's stand with regard to the petitioner being a concerned next friend of the detenues is made even more suspicious by the material placed by the learned Special Government Pleader appearing for the respondent Nos.1-6/State. The material may be summarized by the following.

- (i) A letter dated 21.09.2025 was addressed by the Station House Officer, Yadagirigutta Police Station. to the Chairperson, CWC, Yadadri Bhuvanagiri which

³ (2013) 2 SCC 398

states that the Station House Officer, Yadagirigutta Police Station conducted an enquiry with regard to the relatives of Kamsani Purna (the detainee No.1) and it was found that Kamsani Purna's mother, a resident of Medak District, passed away in 2010.

- (ii) Kamsani Purna submitted a requisition to the CWC, Yadadri Bhuvanagiri claiming that Pavani and Raju are her 'pinni' and 'babai' i.e., aunt and uncle (aunt's husband). However, upon verification, it was found that Pavani and Raju are not husband and wife. Moreover, Kamsani Buchamma, wife of Raju, is the sister of Pavani and Kamsani Buchamma was involved in prostitution activities along with Kamsani Purna.
- (iii) Kamsani Purna (the detainee No.1) has stated in the letter dated 19.09.2025 that K.Raju and K.Pavani are her father and younger sister, respectively.
- (iv) A DNA test confirmed that Kamsani Buchamma is not biologically related to Kamsani Purna.

- (v) The requisition given by Kamsani Purna does not mention the petitioner/Kamsani Anjali either as a friend or otherwise.
- (vi) Kamsani Ammulu (the detinue No.2) had also given a letter dated 19.09.2025 stating that K.Kiran and K.Revathi are uncle and aunt who are residing in Yadagirigutta. In the letter, Kamsani Ammulu writes that she is a widow and does not have parents and wants to be sent to K.Kiran, her uncle's house.
- (vii) None of the detenues submitted any information with regard to their relatives/family or next kin.

20. The material placed above does not clarify the petitioner's claim of being a concerned friend of the detenues. In fact, the material placed contradicts the petitioner's claim in terms of being acknowledged as being a friend or a go-to person of the detenues.

21. The High Court should exercise self-imposed limits to its powers in a Writ Petition for Habeas Corpus. Although a constitutional protection is given to every detinue for making a representation to the appropriate authority against detinue under Article 22 (5) of the Constitution of

India, the petitioner must show a *prima facie* case of unlawful detention. The Court must also be mindful of an attempt made on the part of the petitioner to deflect the course of justice by 'letting loose red herrings': *Union of India v. Paul Manickam*⁴.

22. Therefore, a Writ as a matter of right can only follow where the petitioner has established a case, even *prima facie*, of illegal detention; which brings us to the next question.

(b) Are the Detenues under Illegal Detention?

23. It is undisputed that both the detenues are lodged in the State Home, Madhura Nagar, Hyderabad where they were placed after their rescue from human trafficking by the Yadagirigutta Police on 17.08.2018. The detenues were put in the care of CWC, Nalgonda which transferred the case (No.407 of 2019) to the CWC, Ranga Reddy on 17.08.2018. The CWC, Ranga Reddy thereafter referred the detenues to Prajwala. On 13.02.2024, the CWC, Yadadri Bhuvanagiri reviewed the case of the detenues and passed orders for their transfer from Prajwala to the State Home, Madhura Nagar, Hyderabad.

⁴ 2003 (8) SCC 342

24. The detenues submitted written representations on 21.08.2025 requesting for their release so as to enable them to join their parents. The Women and Child Welfare Officer, State Home, Hyderabad sent an email to the District Welfare Officer and the Chairperson ('WD & CWD'), Yadadri Bhuvanagiri on 22.08.2025 for considering the alleged detenues' request and issuing necessary orders. On 26.08.2025, the District Welfare Officer, Women, Child, Disable & Senior Citizens Welfare Officer wrote to the Commissioner, Women and Child Welfare Department for issuing necessary orders.

25. The above narration would make it clear that the detenues are housed in the State Home pursuant to the orders passed by the CWC and the District Welfare Officer, WD & CWD, Yadadri Bhuvanagiri. It is undisputed that the order for keeping the detenues in the care and protection of the State Home was passed within the scheme of the JJ Act. Therefore, we are unable to agree with the contention that the detenues are in illegal detention. Needless to say, 'detention' becomes 'illegal' where it is made contrary to law or in the absence of any law. In essence, the detention of the detinue cannot be said to be illegal. The petitioner's argument that the illegality arises out of the detenues attaining majority is also flawed. We will discuss this issue in the later part of the order.

26. It is necessary to clarify the legal position in this regard. A petition for a Writ of Habeas Corpus lies against illegal detention. In *Home Secretary (Prison) Vs. H.Nilofer Nisha*⁵, the Supreme Court opined that convicts serving sentences pursuant to the orders passed by competent Courts cannot be termed as illegal detention. Illegal detention is the *sine qua non* for maintainability of a Writ of Habeas Corpus: *Rasamalla Divyarani Vs. The State of Telangana*⁶. *Rachna Vs. State of U.P.*⁷ dealt specifically with a case of the victim being sent to Women Protection Home/Nari Niketan by the CWC appointed under section 27 of the JJ Act. The Allahabad High Court held that the Writ Petition was not maintainable against the orders passed by a Judicial Magistrate or the CWC under the provisions of the JJ Act. A similar view was taken in *Omkar Vs. State of U.P.*⁸ and *Shifa @ Mannu @ Shifa Malik Vs. State of U.P.*⁹, where the petitioner sought custody of the detenue who was detained in a Protection Home pursuant to the order passed by the CWC under section 37(1)(c) of the JJ Act. The Court held that detention under the order of the CWC would not warrant a Writ of Habeas Corpus. The Madhya Pradesh High Court in *Vatsalyapuram Jain Welfare Society Vs.*

⁵ (2020) 14 Supreme Court Cases 161

⁶ 2023 (6) ALT 571

⁷ 2021 SCC OnLine All 211

⁸ 2023: AHC: 105954

⁹ 2020 SCC OnLine All 2381

*The State of Madhya Pradesh*¹⁰ also opined that a Writ Petition for Habeas Corpus is not maintainable to challenge the statutory orders of detention passed by the CWC or the jurisdictional Magistrate.

(c) Is an Alternative Statutory Remedy available to the Petitioner?

27. The Juvenile Justice (Care and Protection of Children) Act, 2015, sets out a comprehensive set of rights and protections for a child/juvenile within the mechanism and infrastructure provided by the State towards realization of the juvenile's rights. The JJ Act also provides for a range of statutory bodies for the care and protection of children set up by the State for addressing the issues faced by a child/juvenile both in terms of care and protection. The Act provides for designated Committees as well as the Juvenile Justice Board to pass orders within the powers conferred by the Act. The orders passed by the Committee or the Board can be challenged before the Children's Court.

28. Section 101 of the JJ Act provides for 'Appeals' by any person aggrieved by an order of the Board or the Committee. 'Board' and 'Committee' have been defined under sections 2(10) and 2(22) of the JJ Act, respectively. Section 101(5) provides for appeals from the order of

¹⁰2024 (2) MPLJ 110

the Children's Court before the High Court in accordance with the procedure prescribed in The Code of Criminal Procedure, 1973.

29. Section 102 of the JJ Act provides for 'Revision' under which a High Court may call for the records of the proceedings from a Committee or Board or Children's Court on its own motion or on an application received in this behalf for the purpose of satisfying of the illegality or propriety of the referenced order.

30. Thus, it is within the right of the detenues in the present case to invoke the remedies provided under the JJ Act for challenging the order of the CWC or any other statutory authority in respect of directing the detenues to be kept in the State Home. The two communications from the CWC Yadadri Bhuvanagiri District to the CWC, Ranga Reddy District on 11.02.2024 and 22.05.2024 from the CWC Yadadri-Bhuvanagiri to the State Home, Hyderabad, are on record. Both these communications deal with the transfer of the detenues from the CWC/Prajwala to the State Home. There is no record before us to show that the detenues have challenged these communications under the provisions of the JJ Act.

31. Courts have opined that an order passed by the CWC under section 37(1)(c) of the JJ Act is appealable under section 101 of the said

Act within the mechanism of the Act: *Omkar Vs. State of U.P.* (supra). Detention of a child in a Children's Home pursuant to the orders passed by the statutory authorities would not amount to illegal detention even if the orders were found to be procedurally – flawed and would hence not be amenable to a Writ of Habeas Corpus: *Rachna Vs. State of U.P.* (supra). A Writ Court dealing with a petition for Habeas Corpus cannot weigh the evidence of age and other disputed facts: *Shifa @ Mannu @ Shifa Malik Vs. State of U.P.* (supra).

32. Therefore, we cannot accept the argument that a Writ for Habeas Corpus is without any remedial counterpart under the JJ Act which provides for a comprehensive set of remedies.

The Argument of 'Illegal Detention' in view of the Detenues becoming Adults.

33. Admittedly, the detenues were minors when they were rescued by the Yadagirigutta Police on 17.08.2018 from a trafficking racket. Both the detenues are now 19 years old. However, it does not automatically follow that the child must be released upon attaining majority if the release is not in the best interest of the child. The CWC is fully empowered to take a decision with regard to the further detention or

release of the child bearing in mind her safety, welfare and rehabilitation as priorities: *Girish Kumar Vs. The State of U.P*¹¹. *Shifa @ Mannu* (supra) involved a case a Writ of Habeas Corpus on the ground that the detenue is a major and should hence not be kept in Nari Niketan against her wishes. The Allahabad High Court held that the Writ could not lie against a lawful order of a competent authority such as the CWC.

The Duty of the State vs. the Victim's Right to script her Future.

35. The essential argument before the Court is whether the detenues claiming to be adults should be set free as against the State's continuing obligation to prevent their re-exploitation. The petitioner's sole premise is that the detenues should be released forthwith since they have attained majority. Learned counsel reinforces this argument with the detenues right to choose their onward calling: *Shafin Jahan v. Asokan K.M*¹².

36. Counsel objects to continued State interference in the absence of clear guidelines for the Courts dealing with Habeas Corpus petitions: *Gian Devi v. Superintendent, Nari Niketan, Delhi*¹³ and *K v. State of Kerala* (supra). Counsel places emphasis on the personal liberty of the alleged

¹¹ 2022 SCC OnLine All 1769

¹² (2018) 16 SCC 368

¹³ (1976) 3 SCC 234

detenues even if personal liberty of the detenues in the face of illegal detention regardless of the social cost involved in the release of a possible renegade: *Smt. Icchu Devi Choraria v. Union of India*¹⁴. Reliance is also placed on *Budhadev Karmaskar v. State of West Bengal*¹⁵ where the Supreme Court issued rehabilitation measures in respect of sex workers which included a direction on the State Governments to do a survey of all Protective Homes so that cases of adult women who are detained against their will can be reviewed and processed for release in a time bound manner.

37. The cases relied on by the petitioner should be placed in context.

38. There is no doubt that a friend or relation of the detainee can apply for a Writ of Habeas Corpus questioning the detention: *Ram Kumar v. District Magistrate* (supra). The fact however remains whether the person moving a Writ Petition can indeed qualify as a 'friend' of the alleged detainee and whether the petitioner is the only possible means of approaching the Court in the absence of a next of kin or a relative. In *Vinoy Kumar v. State of U.P.*¹⁶, the Supreme Court stressed on the incapacity, poverty and disabilities of the affected persons from filing the Writ Petition. In *Hussainara Khatoon v. Home Secretary, State of Bihar*,

¹⁴ (1980) 4 SCC 531

¹⁵ (2022) SCC ONLINE SC 704

¹⁶ (2001) 4 SCC 734

*Patna*¹⁷, the Supreme Court doubted that expression ‘protective custody’ as nothing but imprisonment in the context of women who have been kept in jail for long periods of time without any fault on their part. *Gian Devi* (Supra) was a case where the petitioner herself made a request for Court protection but was ordered to be detained at the Nari Nikethan, Delhi, in the background of the petitioner marrying a person against the wishes of her father. *Smt. Icchu Devi Choraria* (Supra) reiterated the settled principle that the detaining authority should discharge the burden of establishing that the detention is in accordance with the procedure established by law. The Supreme Court noted in *Shafin Jahan* (supra) that the entire complexion of a case would change where the detention is not illegal. The detinue in that case appeared before the High Court and stated that she was not under illegal confinement. It must also be borne in mind that *Shafin Jahan* involved an interfaith marriage between the petitioner and the detinue which occurred against the wishes of the detinue’s father. *Budhadev Karmaskar* (supra) was concerned with a Panel for prevention of trafficking and rehabilitation of sex workers and conditions conducive for working with dignity.

¹⁷ (1980) 1 SCC 93

39. The recent judgment of the Supreme Court delivered on 12.09.2025 in *M.S. Patter v. State of NCT of Delhi and Others*¹⁸ is not relevant to the present case since the Supreme Court dealt with the conditions of Beggars' Homes and issued guidelines for improving their condition. The paragraph relied on by the petitioner contains an opinion with regard to policy failure in terms of creating prison-like spaces by overcrowding, unhygienic conditions, arbitrary or voluntary confinement denial of medical treatment, neglect of mental health needs and restrictions on personal liberty. Notably, the present Writ Petition is not a Public Interest Litigation with regard to the conditions in State Homes. The Writ Petition seeks release of the two detenues.

The Court's Concern

34. The detenues may encounter several ground realities upon their release. The detenues are material witnesses in trafficking and POCSO cases which are pending trial. Hence, premature release may expose the alleged detenues to threat and intimidation from traffickers. The continued protective custody of the detinue would hence not only be in furtherance of their protection but also for preserving the integrity of the criminal proceedings.

¹⁸ 2025 SCC OnLine SC 1970

35. Section 143 of The Bharatiya Nyaya Sanhita, 2023 ('BNS') defines trafficking of a person and delineates conduct which would amount to trafficking. Section 144 of the BNS deals with sexual exploitation of a trafficked person. The spectre of the alleged detenues being pushed into trafficking on their release is real and cannot be brushed under the carpet of indifference.

36. Therefore, in our view, the State respondents have taken a sensitized approach in detaining the detenues in view of the likelihood of their safety being compromised during pendency of the criminal cases.

The State has a continued Duty to Care and Protect for the Detenues.

40. The Court is informed that both the detenues underwent medical examination in 2018 at Osmania General Hospital to deal with hormonal imbalance and other concerns. The detenues also underwent DNA and HIV tests pursuant to proceedings before the District Court at Nalgonda. The detainee No.1 exhibited mental health disturbance and was treated at the Institute of Mental Health, Erragadda, in December 2023 pursuant to orders of the Court. Further, as stated above, both the detenues are

victims/material witnesses in trafficking and POCSO cases which are presently pending trial.

41. The State has a Constitutional mandate under Article 39 of the Constitution of India under the Directive Principles of State Policy requiring the State to direct its policy for securing certain principles to be followed. Article 39(f) provides that children must be given opportunities and facilities to develop in a healthy manner and in conditions of dignity and be protected against exploitation and moral and material abandonment. Even otherwise, the State has a fundamental responsibility to protect individuals from harm, particularly vulnerable individuals who are the victims of exploitation, abuse, trafficking. Both the detainees were rescued from trafficking and have suffered trauma resulting in an impaired ability to make informed decisions. The imminent risk of their being pushed back into the sex trade cannot be ruled out. Reports from Yadagirigutta which have been brought to the notice of the Court increases the likelihood of re-exploitation.

42. One of the primary objectives of The Juvenile Justice (Care and Protection of Children) Act, 2015 is to rehabilitate and re-integrate such individuals/children in the mainstream. The aim of the Act is to provide for an empowered mainstreaming as opposed to re-integration which

could result in re-traumatization. The Act contemplates effective rehabilitation which would be evident from the following:

(i) Sections 2(5) and 46 provide for 'Aftercare' of children and envisages a child leaving a child care institution on completion of eighteen years of age being provided with financial support and other forms of assistance in order to facilitate the child's re-integration into the mainstream of society.

(ii) Section 49(1) casts an obligation on the State Government to set up a place of safety and place a person above the age of eighteen or a child in conflict with law who has been accused of or convicted of a heinous offence.

(iii) Section 76 provides for a safeguard against employing a child for begging as well as punishment for the same.

(iv) Section 81 provides for punishment for sale and procurement of children for any purpose.

(v) Rule 79(5) of The Juvenile Justice (Care and Protection of Children) Model Rules, 2016 recommends that a child who has attained eighteen years be placed in an 'Aftercare' programme if

eligible and subject to the consent of the child and the approval of the Board or the Committee/ Children's Court.

43. We also deem it necessary to mention that aftercare envisages not only effective but inclusive and sympathetic care given by the State Authorities to the Juvenile/Adult. There must not be any complaint against the State Home/Authorities on the inadequacy or indifference of the care.

44. Hence, the State is both under a Constitutional as well as a legal statutory mandate to extend support and infrastructure to children who have become adults in the process of confinement. More important, the State cannot wash its hands from continuous protection of children and from ensuring meaningful re-integration into society after they attain adulthood. In fit cases, Courts play the role of *parens patriae* by treating the child/adult, not as a delinquent, but as a victim viewed through the lens of reformation, rehabilitation and re-integration into society: *Om Prakash @Israel @Raju @Raju Das v. Union of India*¹⁹.

¹⁹ 2025 INSC 43

How can the State intervene?

45. The primary concern is to balance the alleged detainees' right to autonomy with the duty of the State to protect them. Although the State must be cautious not to infantilize the detainees by denying them agency, it also cannot turn a blind eye to the history of exploitation and the possibility of the detainees' being influenced by anti-social and criminal elements. We have no doubt that there must be a credible plan in place for the protection of the detainees and to facilitate realization of their true potential as empowered members of the society. Our suggestions in this regard:

- (a) The State can assess whether the victim of trafficking is in a position to make a truly informed decision for leaving the child welfare system and whether the victim is being manipulated by external forces.
- (b) A mental health evaluation is necessary to ascertain whether the victim can make independent and informed decisions.

- (c) Make a risk assessment as to whether any protective measures are required to be implemented after the victim is released.
- (d) Provide a State Home Exit Plan including State Housing Programme designed for survivors of trafficking.
- (e) Legal protection i.e., by issuing restraining orders against certain persons who pose an immediate threat to the victim.
- (f) Provide education, vocational training and place the victims in a suitable employment away from exploitation.
- (g) Provide monetary and support structure to a victim if the victim decides to leave the care facilities by providing access to emergency support services and developing a partnership with organizations working for anti-social trafficking and victims' protection programme.

- (h) The State can also approach the Court for necessary orders for temporary guardianship arrangement or a Court monitoring system to be put into place for safeguarding the victim.

Conclusion

46. First, the above discussion on the underlying concerns leads us to the firm conclusion that the writ petitioner lacks *locus standi* to maintain the Writ Petition. The petitioner's capacity to ensure an empowered life for the detenues upon their release is riddled with uncertainty. This is over and above the petitioner's standing as a friend of the detenues being doubtful.

47. Second, the facts brought to our notice by the respondents raises a real likelihood of the detenues being pushed into the sex trade once they are free from the protective confines of the State Home. The petitioner's argument that the detenues should be free to script their futures is not compelling enough to dispel the risk of re-victimization. The fact that the detenues as well as the petitioner were rescued from trafficking in 2018 and again intend to reside in an area which is notorious for sex trade, adds to the Court's anxiety. Besides, both the detenues are material

witnesses in sensitive trafficking and POCSO cases which are pending trial which further necessitates their protection from influence and intimidation.

48. Third, we do not have any doubt that keeping the alleged detenues within the protective confines of the State Home under the over-arching legislative scheme of the JJ Act, 2015 does not amount to an illegal detention. The concept of 'Aftercare' within a structured support system of supervision can only be seen as protective custody. The above reasons compel us to hold that the detenues being lodged in the State Home does not amount to illegal detention under any circumstances.

49. Notably, a Writ of Habeas Corpus is founded on a strong moral fibre where the Court roots for personal liberty subject to the unimpeachable credentials of the petitioner who seeks to liberate the detenues. In the present case, the relief for Habeas Corpus fails under all three counts.

50. We accordingly hold that the Writ Petition for Habeas Corpus is not maintainable. The other concerns which we have raised are incidental to the question of maintainability but must be stated to underscore the real risk of the detenues being exposed to re-victimization on their release.

MB,J & GPK,J
W.P.No.26685 of 2025

51. W.P.No.26685 of 2025, 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

GADI PRAVEEN KUMAR, J

15th October, 2025.

Note: L.R. Copy to be marked.
(B/o.) *BMS/NDS*

**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR**

W.P.No.26685 OF 2025

15th October, 2025.

BMS/NDS