

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2015

C O R A M

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

AND

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Habeas Corpus Petition No.1428 of 2015

Ammu

W/o.Mannar @ Ezhilarasu

...Petitioner

-vs-

1.The State of Tamil Nadu,
represented by its
Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
Chennai City Police,
Commissioner Office,
Egmore, Chennai - 600 008.

3.The Inspector of Police,
S-15, Selaiyur Police Station,
Chennai.

... Respondents

Writ petition under Article 226 of the Constitution of India filed praying for issuance of a writ of Habeas Corpus to call for the records relating to the order passed by second respondent against the detenu Mannar @ Ezhilarasan @ Suresh, S/o.Ganesan, aged about 55 years, in BCDFGISSSV No.425 of 2015 dated 30.05.2015, quash the same and consequently, to direct the respondents to produce the detenu, who is confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondents : Mr.M.Maharaja,
Additional Public Prosecutor

O R D E R

(The order of the Court was made by C.T.SELVAM, J.)

Petitioner is the wife of the detenu Mannar @ Ezhilarasan @ Suresh, S/o.Ganesan, who has been branded as "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in BCDFGISSSV No.425 of 2015 dated 30.05.2015. Such order is under challenge herein.

2. The detenu came to adverse notice in the following cases:-

Sl.No.	Police Station and Crime No.	Sections of Law
1	S-15 Selaiyur Police Station, Crime No.164 of 2015	457 and 380 IPC
2	S-15 Selaiyur Police Station, Crime No.516 of 2015	457, 511 IPC @ 457, 380 IPC
3	S-15 Selaiyur Police Station, Crime No.540 of 2015	379 IPC
4	S-12 Chitlapakkam Police Station, Crime No.307 of 2015	457 and 380 IPC
5	S-15 Selaiyur Police Station, Crime No.715 of 2015	457 and 380 IPC
6	S-14 Peerankaranai Police Station, Crime No.682 of 2015	457, 380 IPC
7	S-15 Selaiyur Police Station, Crime No.874 of 2015	457, 380 IPC
8	S-15 Selaiyur Police Station, Crime No.967 of 2015	379 IPC
9	S-15 Selaiyur Police Station, Crime No.996 of 2015	379 IPC

The ground case has been registered against the detenu in Crime No.1013 of 2015 on the file of S-15 Selaiyur Police Station for offences u/s.294(b), 341, 336, 427, 392, 397 and 506(ii) IPC.

3. Amidst several grounds raised, learned counsel for petitioner submits that towards informing the possibility of the detenu being released on bail, an order of bail passed by learned V Metropolitan Magistrate, Egmore, Chennai, in CrI.M.P.Nos.1259 and 1364 of 2012, on 21.02.2012, in connection with the case in Crime No.1062 of 2011 on the file of P-3 Vysarpadi Police Station, for offences u/s.457 and 380 IPC, has been referred to by the detaining authority. The order copy therein has been furnished to the detenu, but the bail application in such case has not been furnished and that the same

adversely has affected the detenu's right of making an effective representation.

4. We have heard learned Additional Public Prosecutor on the above submissions.

5. Non furnishing of relevant documents would deprive the detenu the opportunity of making effective representation to the authorities concerned. The same amounts to infringement of right enshrined under Article 22(5) of the Constitution of India and would vitiate the order of detention. For the aforesaid reason, this Court would allow the present petition.

This Habeas Corpus Petition is allowed. The impugned order passed by second respondent against the detenu Mannar @ Ezhilarasan @ Suresh, S/o.Ganesan, made in BCDFGISSSV No.425 of 2015 dated 30.05.2015, is quashed. The detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

-s/d-

Assistant Registrar(T & P)
dt:05/10/2015

True Copy

Sub-Assistant Registrar

gm

To

1.The Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
Chennai City Police,
Commissioner Office,
Egmore, Chennai - 600 008.

3.The Inspector of Police,
S-15, Selaiyur Police Station,
Chennai.

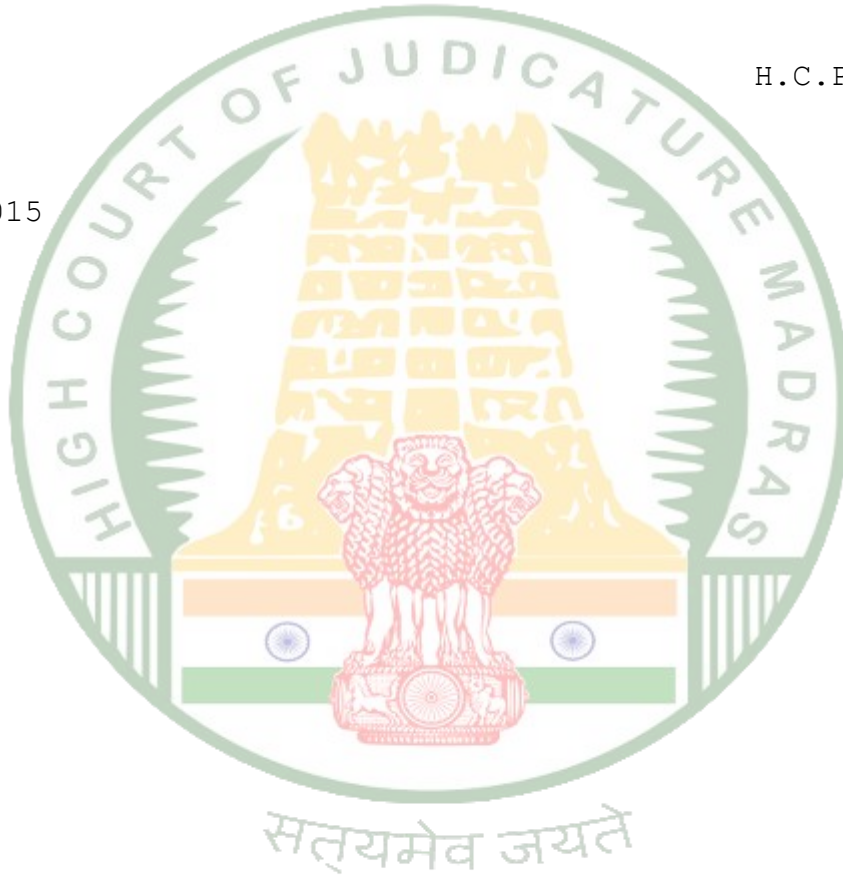
4. The Joint Secretary to Government,
Public Law and Order,
Fort St.George Chennai-9

5.The Public Prosecutor
High Court, Chennai.

6.The Superintendent of Central Prison,
Puzhal, Chennai.

H.C.P.No.1428 of 2015

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