

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.1464 of 2015

S.Paththukkasan @ Rajan @ Velliyangiri
S/o.Shanmugam Petitioner

-vs-

- 1.The District Collector and District Magistrate,
Triuppur, Tiruppur District.
- 2.The Secretary to the Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009. 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 detention order passed by first respondent against the detenu S.Paththukkasan @ Rajan @ Velliyangiri, S/o.Shanmugam, in Cr.M.P.No.09/Goonda/2015 dated 16.04.2015, quash the same and consequently, to direct the respondents to produce the detenu now detained at Central Prison, Coimbatore and set him at liberty.

For Petitioner : Mr.T.Charles
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/detenu has filed this petition, who has been branded as "Goonda" under Tamil Nadu Act 14 of 1982 and detained under orders of first respondent passed in Cr.M.P.No.09/Goonda/2015 dated 16.04.2015. 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	Tiruppur District, Avinashipalayam Police Station, Crime No.529 of 2011	454 and 380 IPC
2	Tiruppur District, Avinashipalayam Police Station, Crime No.363 of 2012	457 and 380 IPC
3	Tiruppur District, Avinashipalayam Police Station, Crime No.209 of 2014	379 IPC
4	Tiruppur District, Avinashipalayam Police Station, Crime No.412 of 2014	379 IPC

The ground case has been registered against the detenu in Crime No.417 of 2014 on the file of Avinashipalayam Police Station, for offences u/s.387 IPC.

3. Learned counsel for petitioner submits that despite the admitted position that the detenu has not filed any bail application, the detaining authority has informed a real possibility of his coming out on bail by filing a bail application since in cases similar to the ground case of the detenu bail was granted. In support of such inference, there absolutely is no material. It is, therefore, submitted that the detaining authority has arrived at subjective satisfaction without entering upon objective consideration.

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

5. We find that there absolutely is no material to support the finding of the detaining authority that in cases similar to the ground case bail was granted. Therefore, non-application of mind and erroneous subjective satisfaction arrived at by the detaining authority is apparent.

This Habeas Corpus Petition is allowed. The impugned order passed by first respondent against the detenu Paththukkasan @ Rajan @ Velliyangiri, S/o.Shanmugam, made in Cr.M.P.No.09/Goonda/2015 dated

16.04.2015, 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(CSIIIO
dt:5/10/2015

True Copy

Sub-Assistant Registrar

gm
To

- 1.The Secretary to the Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
 - 2.The District Collector and District Magistrate,
Triuppur, Tiruppur District.
 - 3.The Superintendent of Central Prison,
Coimbatore.
 - 4.The Joint Secretary to Government
Public Law and order
Fort St.George Chennai-9
 - 5.The Public Prosecutor
High Court, Chennai.
- +1 cc to Mr.T.Charles Advocate sr.49081

H.C.P.No.1464 of 2015

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