

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.07.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.1492 of 2015

T.Vasanth Kumar
S/o.J.Thanikachalam

... Petitioner/brother in law
of the detenu

vs.

1.State by
The Inspector of Police,
Karuthampatti Police Station,
Coimbatore District.

2.David Prakasam
S/o.Late Job Gnanaprakasam

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus directing the first respondent to produce the petitioner's brother-in-law viz., Pastor Aptheyal Anbu, S/o.Late Pastor Anbu, aged about 22 years, a resident of Somanur, Coimbatore District, before this Court and set him at liberty.

For Petitioner : Mr.M.Vetriselvan

For Respondents : Mr.A.N.Thambi Durai
Additional Public Prosecutor [R1]
Mr.C.D.Johnson [R2]

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O R D E R
(Order of the Court made by C.T.SELVAM, J.)

This petition has been filed by the petitioner to cause production of his brother-in-law, Pastor Aptheyal Anbu, S/o.Late Pastor Anbu, aged about 22 years, before this Court.

2. Heard Mr.M.Vetriselvan, learned counsel for petitioner, Mr.A.N.Thambi Durai, learned Additional Public Prosecutor for first

respondent and Mr.C.D.Johnson, learned counsel for second respondent.

3. Learned counsel for second respondent submits that false accusations stand made against second respondent and the entire petition averments of the detenu having been taken into illegal custody is a drama. Learned counsel relies on the counter to inform that second respondent is a person in charge of around 650 Churches and is a man of great repute and enjoys great goodwill. The present Habeas Corpus Petition has been moved only to tarnish the image of second respondent with whom petitioner has civil disputes, which are pending before Courts. Learned counsel further submits that the case registered upon the complaint of petitioner has been referred as 'mistake of fact' by the respondent police. Learned Additional Public Prosecutor confirms such position.

4. The alleged detenu viz., Pastor Aptheyal Anbu, S/o.Late Pastor Anbu, has appeared on his own volition before this Court on 22.07.2015. He again is present before this Court.

5. Learned counsel for petitioner informs that all that has been alleged in the petition is that the petitioner entertained a doubt that second respondent may be the person behind the alleged detenu having gone missing. Learned counsel has also filed a further affidavit of the detenu towards reiterating the detenu indeed had been wrongfully taken away and kept under illegal custody.

For the present, the detenu is before this Court and informs of his staying at his own residence and of being free and independent. In the circumstances, we would close the present petition leaving it open to the parties to seek such remedies as available to them in law and before appropriate forums.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

gm

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To

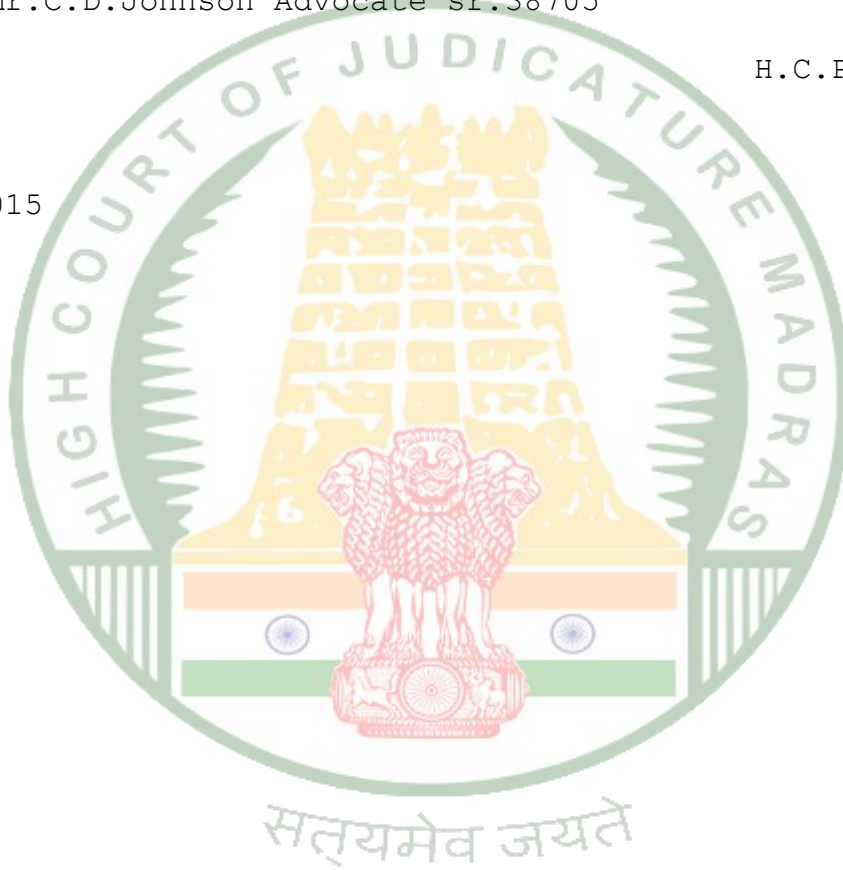
1.The Inspector of Police,
Karuthampatti Police Station,
Coimbatore District.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 cc to Mr.C.D.Johnson Advocate sr.38705

H.C.P.No.1492 of 2015

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