

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2015

CORAM

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

H.C.P.No.1629 of 2015

Jagan
S/o.Babu

.. Petitioner

vs.

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

2.The Commissioner of Police/
Detaining Authority,
Chennai Police,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus to call for the records pertaining to detention order passed by second respondent in BCDFGISSSV No.357 of 2015 dated 27.04.2015 against the detenu Jagan S/o.Babu, aged 33, quash the same and consequently, direct the respondents to produce the detenu, who is confined at Central Prison II, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.B.Rajamani

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

[Order of the Court was made by S.TAMILVANAN, J.]

Petitioner/detenu viz.,Jagan S/o.Babu, has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in BCDFGISSSV No.357 of 2015 dated 27.04.2015. 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	F.4 Thousand Lights Police Station, Crime No.1477 of 2014	379 IPC
2	F.4 Thousand Lights Police Station, Crime No.337 of 2015	379 IPC
3	F.3 Nungambakkam Police Station, Crime No.271 of 2015	379 IPC
4	F.3 Nungambakkam Police Station, Crime No.617 of 2015	379 IPC
5	F.3 Nungambakkam Police Station, Crime No.624 of 2015	341 and 384 IPC

The ground case has been registered against the detenu in Crime No.627 of 2015 on the file of F.3 Nungambakkam Police Station for offences under Sections 341, 294(b), 336, 427, 397 and 506(ii) IPC.

3. Amidst several grounds raised, learned counsel for petitioner submits that the detaining authority has informed that there was a likelihood of the detenu being released on bail since in a similar case, viz., Crime No.358 of 2015 on the file of G.5 Secretariat Colony Police Station for offences u/s.341, 294(b), 323, 427, 397 and 506(ii) IPC, the learned Principal Sessions Judge, Chennai, has granted bail in CrI.M.P.No.3522 of 2015. Learned counsel submits that the order of the detaining authority reflects non-application of mind since in the ground case, there is no dispute that investigation is in the preliminary stage whereas in the case cited as similar, the fact that investigation therein stood almost completed has been noted.

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

5. We find that the order of detention does suffer from non application of mind and for the reasons put forth by learned counsel for petitioner, the order under challenge would have to fall.

The detention order passed by second respondent, detaining the detenu Jagan S/o.Babu, aged about 33 years, made in BCDFGISSSV No.357 of 2015 dated 27.04.2015, is quashed and the Habeas Corpus Petition is allowed. The above named detenu is ordered to be set at

liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

gm

To

- 1.The Secretary to Government (Home),
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Police/
Detaining Authority,
Chennai Police,
Chennai.
- 3.The Superintendent,
Central Prison II,
Puzhal, Chennai.
- 4.The Joint Secretary to Government,
Public (Law & Order), Fort Saint George,
Chennai - 9.
- 5.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.D.Rajamani, Advocate, sr.51501

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