

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2015

CORAM

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

H.C.P.No.1703 of 2015

Deepa

W/o.Muniyappan @ Bhagavathi

...Petitioner

Vs.

1. The Principal Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 600 009.

2. The District Collector and District Magistrate,  
Dharmapuri District,  
Dharmapuri.

...Respondents

Writ 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 S.C.No.26/2015 dated 09.06.2015 against the detenu Muniyappan @ Bhagavathi S/o.Krishnan, aged 31, quash the same and consequently, direct the respondents to produce the detenu, who is confined at Central Prison, Salem, before this Court and set him at liberty.

For Petitioner : Mr.T.Naveen Chandar

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

O R D E R

[Order of the Court was made by C.T.SELVAM, J.]

Petitioner is the wife of the detenu, who has been branded as a "Sexual Offender" under the Tamil Nadu Act 14 of 1982 and

detained under orders of second respondent passed in S.C.No.26/2015 dated 09.06.2015. Such order is under challenge herein.

2. The ground case has been registered against the detenu in Crime No.3 of 2015 on the file of Pennagaram All Women Police Station for offences under Sections 324, 326, 376 IPC and 5(i) r/w 6 of POCSO Act, 2012.

3. Amidst several contentions, learned counsel for petitioner submits that the detenu was arrested in the ground case on 18.04.2015 whereas the detention order has been passed only on 09.06.2015.

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

5. An order of preventive detention is passed when the authority considers the release of the detenu on bail a real and imminent possibility close to the date of his arrest in the ground case. In the instant case, the detenu was arrested on 18.04.2015 and the order of detention was passed on 09.06.2015. In the said circumstance, it is apparent that the detaining authority has not considered it necessary to pass an order of detention on a date close to the arrest of the detenu in the ground case. In other words, there is a snap of the live link between the arrest and the order of detention.

The detention order passed by second respondent, detaining the detenu Muniyappan @ Bhagavathi S/o.Krishnan, aged about 31 years, made in S.C.No.26/2015 dated 09.06.2015, 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/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Principal Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Chennai - 600 009.
2. The District Collector and District Magistrate,  
Dharmapuri District,  
Dharmapuri.
3. The Public Prosecutor,  
High Court, Madras.
4. The Superintendent of Central Prison  
Salem.

1 CC to Mr.T.Naveen Chandar, Advocate SR.No. 57867

H.C.P.No.1703 of 2015

SVI (CO)  
PSI (05.11.2015)



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