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.1782 of 2015

A.Rashitha
W/o.Anand ..Petitioner/wife of the detenu

vs.

1.The Inspector of Police,
E.2 Royapettah Police Station,
Chennai - 600 005.

2.The Commissioner of Police,
Vepery, Chennai - 600 007.

3.The Secretary to Government,
Home, Prohibition and
Excise Department,
Chennai - 600 009. .. 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 Memo No.483/BCDFGISSSV/2015 dated 21.06.2015 against the detenu Anand S/o.Ashokan, aged 24, 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.A.Thirumaran

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

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O R D E R

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

Petitioner is the wife of the detenu, who has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in Memo No.483/BCDFGISSSV/2015 dated 21.06.2015. Such order is under challenge herein.

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

Sl.No.	Name of the Police Station and Crime No.	Section of Law
1	E.2 Royapettah Police Station, Crime No.306 of 2014	341, 147, 148, 324 and 506(ii) IPC r/w 149 IPC
2	E.2 Royapettah Police Station, Crime No.535 of 2014	341, 323, 324 and 506 (ii) IPC
3	E.2 Royapettah Police Station, Crime No.1284 of 2015	341, 324 and 506(ii) IPC
4	E.2 Royapettah Police Station, Crime No.1707 of 2015	147, 341, 307 and 506 (ii) IPC

The ground case has been registered against the detenu in Crime No.1711 of 2015 on the file of E.2 Royapettah Police Station for offences under Sections 147, 341, 336, 332, 427, 324, 307 and 506(ii) IPC.

3. Amidst several grounds raised, learned counsel for petitioner submits that though the detaining authority has considered the position that the bail applications of the detenu in the ground case and in the fourth adverse case were pending, he has gone on to inform that there was a likelihood of the detenu being released on bail since the sponsoring authority has reported that the detenu is taking steps to file bail application in the fourth adverse case through his relatives and therefore, there was a real possibility of his coming out on bail and if he comes out on bail, he will indulge in further activities which will be prejudicial to the maintenance of public order. Though the sponsoring authority has informed of an effort by the relatives to move bail petition for the release of the detenu, there is no material to support such contention.

4. We have heard learned Additional Public Prosecutor on the above submissions and also perused the records.

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5. We find that there absolutely is no material which would disclose the likelihood of the relatives of the detenu moving bail petition on his behalf in respect of Crime No.1707 of 2015. Therefore, the non-application of mind and erroneous subjective satisfaction arrived at by the detaining authority is apparent.

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The detention order passed by second respondent, detaining the detenu Anand S/o.Ashokan, aged about 24 years, made in Memo No.483/BCDFGISSSV/2015 dated 21.06.2015, 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(CS-VII)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Inspector of Police,
E.2 Royapettah Police Station,
Chennai - 600 005.

2.The Commissioner of Police,
Vepery, Chennai - 600 007.

3.The Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.

4.The Superintendent,
Central Prison,
Puzhal, Chennai.

5. The Joint Secretary to Government Public
(Law & order), Fort St. George,
Chennai. 600 009.

6. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.A. Thirumaran, Advocate Sr.57896

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SR(CO)
Eu 5.11.15

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