

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.1889 of 2015

Pattusamy
S/o.Govindarasu ... Petitioner/Father of the Detenu
Vs.

- 1.The State of Tamilnadu
represented by its
Secretary to Government
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Cuddalore District,
Cuddalore. ... 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 C3/D.O/27/2015 dated 23.06.2015 against the detenu Rajasekar @ Kottan Rajasekar S/o.Pattusamy, aged 25, quash the same and consequently, direct the respondents to produce the detenu, who is confined at Central Prison, Cuddalore, before this Court and set him at liberty.

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.M.Maharaja,
Additional Public Prosecutor

O R D E R

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

Petitioner is the father 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 C3/D.O/27/2015 dated 23.06.2015. Such order is under challenge herein.

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	Vridhachalam Police Station, Crime No.613 of 2013	147, 148, 294(b), 323, 326 & 307 IPC r/w 109 IPC
2	Vridhachalam Police Station, Crime No.13 of 2014	147, 148, 294(b), 341, 323, 324, 302 IPC r/w 149 IPC
3	Vridhachalam Police Station, Crime No.648 of 2014	399 IPC

The ground case has been registered against the detenu in Crime No.453 of 2015 on the file of Vridhachalam Police Station for offences under Sections 392, 397 and 506(ii) IPC.

3. Learned counsel for petitioner submits despite the admitted position that the detenu has not filed any bail application in the ground case, the detaining authority has informed a real possibility of his coming out on bail by filing a bail application since in a similar case bail was granted. In support of such inference, there absolutely is no material. It has not been shown that either the detenu/his relatives/friends were making arrangements to move a bail application on his behalf. 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. Finding that the subjective satisfaction arrived at by the detaining authority is erroneous, this Court would allow the present petition.

The detention order passed by second respondent, detaining the detenu Rajasekar @ Kottan Rajasekar S/o.Pattusamy, aged about 25 years, made in C3/D.O/27/2015 dated 23.06.2015, 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/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

gm

To

- 1.The Secretary to Government
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.
 - 2.The District Magistrate and District Collector,
Cuddalore District,
Cuddalore.
 - 5.The Public Prosecutor,
High Court, Madras.
 - 3.The Superintendent of Central Prison
Cuddalore.
 - 4.The Joint Secretary to Government,
Public (L & O), Fort Saint George,
Chennai 9.
- +1 cc to Mr.R.Jayaprakash, Advocate, sr.5857

सत्यमेव जयते H.C.P.No.1889 of 2015

sr co
kra 05/11/2015

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