

In the High Court of Judicature at Madras

Dated: 18.11.2015

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR
and
The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.2244 of 2015

C.Gowtham Petitioner

Vs.

1. The Superintendent of Police,
Vellore.
2. The Deputy Superintendent of Police,
Thiruppathur, Vellore.
3. The Inspector of Police,
Town Police Station,
Thiruppathur. Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents herein to release the petitioner's brother from illegal detention and to produce the body of the petitioner's brother Prabakaran aged about 26 years before this Court and set him at liberty.

For Petitioner : Mr.N.Subramani

For Respondent : Mr.A.N.Thambidurai,
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition is filed by the brother of the detenu Prabakaran seeking direction to the respondents herein to produce the detenu before this Court and set him at liberty.

2. It is seen that the petitioner's brother, who is aged about 26 years is involved in a case in Crime No.436 of 2015 for the offences under Section 147, 148, 452, 294(b), 387 and 506 (ii) IPC and that he had gone absconding. It is also admitted that the counsel for the petitioner has filed anticipatory bail for the alleged detenu Prabakaran in CrI.O.P.No.23662 of 2015 and the same is pending before this Court. Under such

circumstances, it could not be said that the detenu is under illegal custody of any person warranting issuance of Writ of Habeas Corpus.

3. Learned counsel appearing for the petitioner submits that after filing this Habeas Corpus Petition, the First Information Report has been filed on 10.09.2015. We find that it is factually incorrect. The Habeas Corpus Petition was taken on file by this Court only on 10.09.2015 and even before notice was given to the respondent, the First Information Report has been registered.

4. In the light of the above, this Habeas Corpus Petition stands dismissed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

1. The Superintendent of Police,
Vellore.
2. The Deputy Superintendent of Police,
Thiruppathur, Vellore.
3. The Inspector of Police,
Town Police Station,
Thiruppathur.
4. The Public Prosecutor, High Court, Madras.

+1 cc to N.Subramani, Advocate, sr.62508

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