

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2015

CORAM

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

H.C.P.No.2618 of 2015

H.M.Sulaiman
S/o.S.M.Hussain

... Petitioner

vs.

The Inspector of Police,
Central Crime Branch,
Team-IV,
Vepery,
Chennai - 600 007.
Crime No.58 of 2015

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus calling for the extension of remand order of learned Chief Metropolitan Magistrate, Chennai, passed in connection with the case in C.C.B.Crime No.58 of 2015 on 28.08.2015 and set aside the same and consequently, direct the respondent to produce the body of detenu, who is confined at Central Prison, Puzhal, Chennai.

For Petitioner : Mr.A.K.S.Thahir

For Respondent : Mr.A.N.Thambi Durai
Additional Public Prosecutor

O R D E R

(Order of the Court made by S.TAMILVANAN, J.)

Petitioner is the father of detenu Mohamed Siddique. The detenu was arrested in connection with the case in C.C.B.Crime No.58 of 2015. CrI.O.P.No.18978 of 2015 has been filed on behalf of the detenu before this Court seeking bail. This Court, under order dated 29.07.2015, was pleased to grant bail to the detenu imposing certain conditions. One of the conditions imposed by this Court was that the detenu has to deposit a sum of Rs.7,00,000/- to the credit of C.C.B.Crime No.58 of 2015. Since the detenu was unable to mobilize such huge amount, M.P.No.2 of 2015 in CrI.O.P.No.18978 of 2015 has been filed before this

Court seeking modification of such condition. Such petition came to be dismissed under order dated 12.08.2015. Thereafter, detenu moved a petition in CrI.M.P.No.4273 of 2015 for relief u/s.167 (2)(a)(ii) Cr.P.C. The Court below dismissed such petition on the reasoning that bail was already granted to the detenu by this Court and hence, such petition was not maintainable. Upon the requisition of the respondent seeking extension of remand, the Court below extended the remand periodically. Challenging such order and seeking a direction to respondent to produce the detenu before this Court, the present petition has been filed.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor.

3. It is not in dispute that the detenu was arrested in connection with the case in C.C.B.Crime No.58 of 2015 and this Court under orders in CrI.O.P.No.18978 of 2015 dated 29.07.2015 was pleased to grant bail to the detenu. Paragraph No.6 of such order reads as follows:

"6. Accordingly, it is ordered that the petitioner shall be released on bail, on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two Government servant sureties each for a like sum to the satisfaction of the learned Chief Metropolitan Magistrate, Egmore, Chennai; and the petitioner shall deposit Rs.7,00,000/- [Rupees Seven Lakhs Only] to the credit of Crime No.58 of 2015 before the said Magistrate at the time of executing the bond; and on further condition that the petitioner shall report before the respondent police daily twice at 10.30 a.m. and 5.00 p.m. until further orders."

4. According to learned counsel for petitioner that the condition requiring the detenu to deposit a sum of Rs.7,00,000/- to the credit of C.C.B.Crime No.58 of 2015 is onerous. It is to be noted that such question cannot be gone into in a writ petition. When there is no illegal detention of the detenu, no positive direction could be issued as prayed for.

Accordingly, this Habeas Corpus Petition is dismissed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gm

To

1.The Inspector of Police,
Central Crime Branch,
Team-IV, Vepery,
Chennai - 600 007.

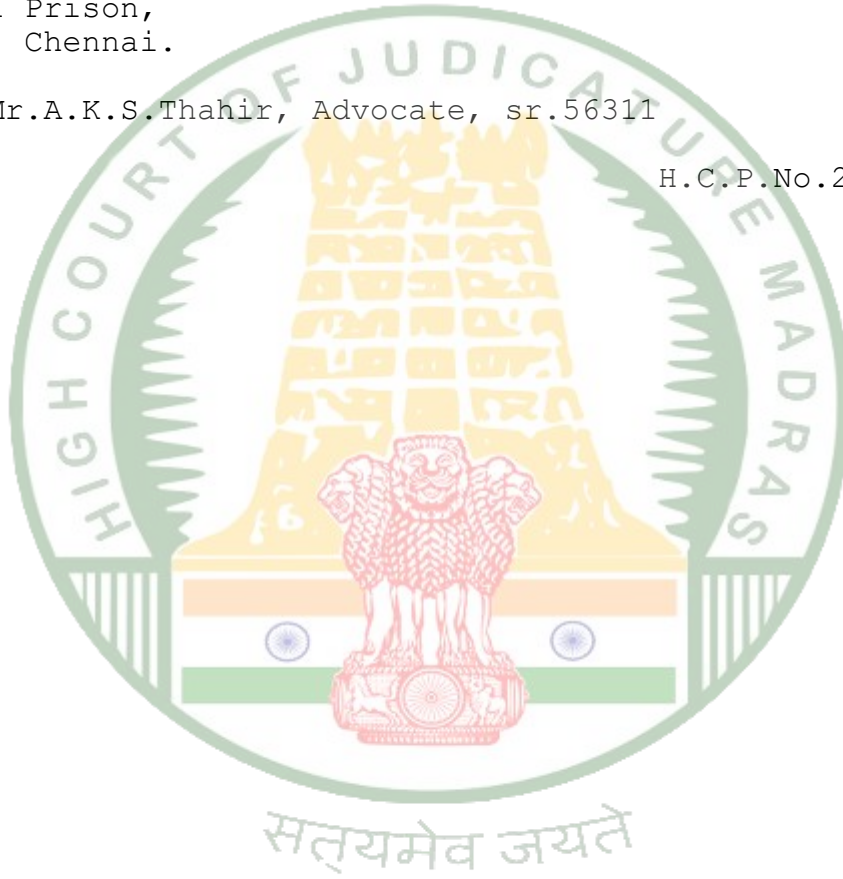
2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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

+1 cc to Mr.A.K.S.Thahir, Advocate, sr.56311

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