

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2015

CORAM

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

H.C.P. Nos.2270 & 2858 of 2014

HCP.No.2270/2014

Pothammal

...Petitioner/mother of the detenu

-v-

1. The Superintendent of Police,
Namakkal District, Namakkal.
2. The Inspector of Police,
Puduchatram Police Station,
Puduchatram,
Namakkal District.
3. The Sub Inspector of Police,
Puduchatram Police Station,
Puduchatram,
Namakkal District.

4. Ajendaran

5. Aravindan

6. Surendran

7. Arasan

8. Kabilan @ Kabildev

9. Kumar

10.Sasi @ Sasikumar

11.Suresh

...Respondents in HCP No.2270/2014

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HCP No.2858/2014:

A.Baby Ramani

...Petitioner/Wife of the detenu

-v-

1. The Superintendent of Police,
Namakkal District, Namakkal.
2. The Inspector of Police,
Puduchatram Police Station,
Puduchatram,
Namakkal District.

3. O.Mohan ...Respondents in HCP No.2858 of 2014

Prayer in HCP. No.2270 of 2014: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents 1 to 3 herein to produce the body of the detenu namely M.Saranya, aged about 23 years, daughter of Pothammal, before this Court and to set her at liberty.

Prayer in HCP. No.2858 of 2014: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents 1 and 2 to produce the body or person of the detenu Ajendaar Kumar, who is aged about 37 years, before this Court and to set him at liberty.

For Petitioner in
HCP. No.2270 of 2014 : M/s.S.Saravanan

For Petitioner in
HCP. No.2858 of 2014 : No appearance
[M/s. K.A.Mariappan]

For Respondents 1 and 2 : Mr.A.N.Thambidurai
in HCP. Nos.2270 & Addl. Public Prosecutor
2858 of 2014

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C O M M O N O R D E R
(Order of the Court was made by S.TAMILVANAN,J.)

HCP. No.2270 of 2014 has been filed by the petitioner/mother of the detenu M.Saranya, aged about 23 years, to cause production of her daughter before this Court and to set her at liberty.

HCP. No.2858 of 2014 has been filed by the petitioner/wife of the detenu Ajender Kumar, aged about 37 years, to cause production of her husband before this Court and to set him at liberty.

2.The detenu Saranya, aged about 23 years, is secured and produced before this Court.

3.Learned Additional Public Prosecutor submitted that the case in HCP No.2270/2014 is a case of elopement and the detenu is said to have eloped with the 4th respondent [detenu in HCP NO.2858/2014], who is a married man having children.

4.On enquiry, the detenu Saranya, a major, would state that she is willing to go only along with the 4th respondent. But, law would not recognize the relationship of a married man with an unmarried woman, without valid divorce. It is also seen that a criminal case in Cr.No.358/2014 for the alleged offences u/s.143, 366 and 506[ii] IPC, is pending as against the 4th respondent herein. A perusal of the Status report filed by the Inspector of Police, Puduchathiram Police Station, Namakkal District would reveal that searches are being made to trace out A1 [4th respondent in HCP No.2270/2014 and the detenu in HCP No.2858/2014] and other accused by making effective steps liking publishing the photos, issuing pamphlets etc., in the near by locality and that four special teams have been formed to nab the accused persons.

5.On the aforesaid circumstances, we find it just and reasonable to close these Habeas Corpus Petitions without prejudice to the rights of both the parties. Accordingly, both these Habeas Corpus Petitions are closed. However, this Court directs the investigating officer/the Inspector of Police, Puduchathiram Police Station, Namakkal District, to proceed with the investigation in Cr.No.358/2014. As and when they get any information about the detenu Ajendra Kumar or if they happened to arrest him, the same may be informed to the petitioner in HCP No.2858/2014 / mother of the detenu. The petitioner in HCP No.2858/2014 is also at liberty to approach the respondent police and enquire about the progress being made in the investigation.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Namakkal District,
Namakkal.

2. The Inspector of Police,
Puduchatram Police Station,
Puduchatram,
Namakkal District.

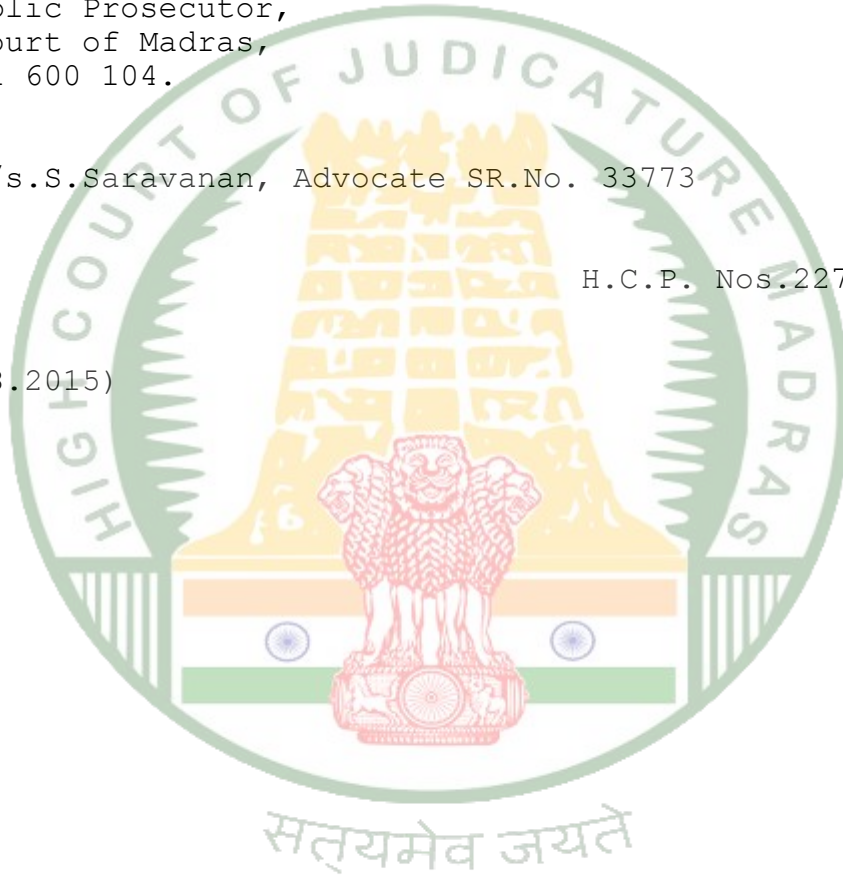
3. The Sub Inspector of Police,
Puduchatram Police Station,
Puduchatram,
Namakkal District.

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

1 CC to M/s.S.Saravanan, Advocate SR.No. 33773

H.C.P. Nos.2270 & 2858 of 2014

RSI (CO)
PSI (04.08.2015)



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