



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **V.S.RAVI**

H.C.P(MD)No.1034 of 2015

Yesudoss

.. Petitioner

Vs.

1. State of Tamilnadu represented,
by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-9.

2. The District Collector and District Magistrate,
O/o. The District Collector,
Theni District,
Theni.

3. The Superintendent of Central Prison,
Central Prison,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records, connection with the Detention Order in No. 10/2014, dated 18.12.2014, passed by the respondent No.2 on the petitioner's son namely, Robin @ Ravi, aged 24 years, residing at Pillaiyar Kovil Street, Ambedkar Colony, Kamatchipuram, Uthamapalayam Taluk, Theni District has been detained and branded as Goonda under the Tamil Nadu prevention of Dangerous activities of Boot-Leggings, Drug Offenders, Forest Offenders, Goondas Act and confined at Central Prison, Madurai, Madurai District before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Raja

For Respondents : Mr.T.Mohan

Additional Public Prosecutor.

O R D E R

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



14 of 1982 by the order of the second respondent, in his Detention Order No.10/2014, dated 18.12.2014, branding him as a "Goonda". Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. Though several grounds have been raised in this petition, the learned counsel for the petitioner would mainly focus his argument on the ground that the subjective satisfaction arrived at by the Detaining Authority that there was every real possibility for the detenu coming out on bail in Crime No.143 of 2014, in which he was remanded for the offences under Section 302 IPC r/w Section 5(g)(m) and Section 6 of Protection of Children from Sexual Offences Act, 2012, on the file of the Odaipatti Police Station, is based on no material and thus, the detention order is liable to be set aside.

4. The learned Additional Public Prosecutor is not in a position to dispute in the above fact.

5. We have considered the above submissions and we have also perused the records carefully.

6. Admittedly, there was no application filed for bail in the ground case by the detenu. When that be so, it is strange as to how the Detaining Authority has come to the satisfaction that the detenu would file an application for bail and come out on bail. Thus, the satisfaction of the Detaining Authority that there was real possibility that the detenu would come out on bail is baseless and therefore, the detention order is liable to be set aside.

7. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in Detention Order No.10/2014, dated 18.12.2014, is quashed. The detenu, by name, Robin @ Ravi, S/o.Yesudoss, aged 24 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar (C.O.)



1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-9.
2. The District Collector and District Magistrate,
O/o. The District Collector,
Theni District,
Theni.
3. The Superintendent of Central Prison,
Central Prison, Madurai.
(In Duplicate to communicate the detenu)
4. The Joint Secretary to Government,
Public (Law and Order), Fort St.George, Chennai -9.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Raja, Advocate SR.No.57677

akm/06.10.2015 /2p-8c/

ORDER MADE IN
H.C.P (MD) No.1034 of 2015
30.09.2015