



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.1092 of 2015

A.Karthiga

.. Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and
Excise Department,
State of Tamilnadu,
Secretariat, Fort St.George,
Chennai-600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Tiruchirappalli District,
Tiruchirappalli.

3.The Superintendent of Prison,
Trichy Central Prison,
Tiruchirappalli District,
Tiruchirappalli.

.. 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 connected with the detention order of the 2nd respondent in Cr.M.P. No.26/2015, dated 04.07.2015 and quash the same and direct the Respondents to produce the detenu by name Ananth, Son of Prabakaran, aged about 25 years, now detained in Tiruchirappalli Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Benazir Begum

For Respondents : Mr.T.Mohan
Additional Public Prosecutor.

O R D E R

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

The petitioner is the wife of one Mr.Ananth, S/o.Prabakaran, aged 25 years. The detenu has been detained under the Tamil Nadu Act 14 of 1982, as per the order of the second respondent in Detention Order Cr.M.P.No.26/2015, dated 04.07.2015, 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 appearing for the petitioner and learned Additional Public Prosecutor appearing for the State.

3. Though several grounds have been raised in this petition, the learned counsel for the petitioner would focus his argument on the ground that the so called subjective satisfaction said to have been arrived at by the Detaining Authority that there was real possibility of the detenu coming out on bail in the ground case is not based on any material.

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

5. We have considered the above submissions.

6. Admittedly, the application filed by the petitioner before the Vacation Sessions Court and Principal Sessions Court, Tiruchirappalli in Cr.M.P.Nos.1216 of 2015 and 1588 of 2015, seeking bail in the ground case in Crime No.90 of 2014 were dismissed on 27.05.2015 and 26.06.2015 respectively. Even then the Detaining Authority has stated that there was a real possibility of the detenu coming out on bail. When there was no bail application filed and there was not even any steps taken to move for bail, it is not known, as to how the Detaining Authority has come to the conclusion that there was real possibility of the detenu coming out on bail. It shows the total non application of mind on the part of the detaining authority. In such view of the matter, 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 his Detention Order in Cr.M.P. No.26/2015, dated 04.07.2015, is quashed. The detenu, namely, Ananth, Son of Prabakaran, aged about 25 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

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Home, Prohibition and
Excise Department,
State of Tamilnadu,
Secretariat, Fort St. George,
Chennai-600 009.

2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Tiruchirappalli District,
Tiruchirappalli.



3.The Superintendent of Prison,
Trichy Central Prison,
Tiruchirappalli District,
Tiruchirappalli.

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.

6.The Commissioner of Police, Trichy District.

+1cc to Mr.M.Benazir Begum, Advocate SR.No.63100

ORDER MADE IN
H.C.P (MD) No.1092 of 2015

28.10.2015

PJL
NS/JGB-DP/03.11.2015 : 3P/8C