



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.1289 of 2015

Veeramma

.. Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Secretariat,
Chennai-9.

2. The District Collector and District Magistrate,
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent made in his proceedings in Cr.M.P.No.21/2015, dated 25.05.2015 in detaining the detenu under Section 2(f) of the Tamilnadu Act 14 of 1982 as a GOONDA and quash the same and direct the respondents to produce the detenu namely, Alagar, S/o.Chinnaiah, aged about 40 years, who is detained at Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

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.Alagar, S/o.Chinnaiah, aged about 40 years. The detenu has been detained under the Tamil Nadu Act 14 of 1982, as per the order of the second respondent in his proceedings in Cr.M.P.No.21/2015, dated 25.05.2015, 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 arguments 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 is not based on any material. He would further point out that as mentioned in paragraph No.5 of the detention order, the detenu had not moved any application before any Court for bail.



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. A perusal of the impugned order would go to show that in Crime No.124 of 2015, the detenu had not filed any application for bail before any Court. If that be so, it is strange as to how the Detaining Authority had come to the satisfaction that there was real possibility of the detenu would come out on bail. In our considered view, the said satisfaction is based on no material. 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 his proceedings in Cr.M.P.No.21/2015, dated 25.05.2015, is quashed. The detenu, namely, Alagar, S/o.Chinnaiah, aged about 40 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(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government, Home, Prohibition and Excise Department, Fort St.George, Secretariat, Chennai-9.
- 2.The Joint Secretary to Government Public (Law and Order)Department, Fort St.George, Chennai.
- 3.The District Collector and District Magistrate,Tiruchirappalli District, Tiruchirappalli.
- 4.The Director General Of Police, Chennai-4
- 5.The Superintendent of Central Prison,Central Prison, Tiruchirappalli.
(In duplicate communicate to detenu)
- 6.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.K.M.Karunakaran,Advocate, SR.No. 60422.

ORDER MADE IN
H.C.P (MD)No.1289 of 2015
12.10.2015

AM/14.10.2015/NGM.SS/SAR-I/2P/9C