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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.1295 of 2015

Jayanthi

..Petitioner

Vs.

1.The District Collector and District Magistrate,
Perambalur District, Perambalur.

2.State of Tamil Nadu,
rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.

3.The Inspector of Police,
Mangalamedu Police Station,
Perambalur.

.. 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 in Cr.M.P.No.04/2015, dated 30.01.2015, quash the same and direct the respondents to produce the detenu Sakthivel S/o.Srinivasan, aged 22 years, who has been termed as "Goonda"and now confined in Central Prison, Tiruchirapalli, before this Court and set him at liberty.

For Petitioner : Mr.T.Senthil Kumar
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 mother of the detenu by name Sakthivel S/o.Srinivasan. The detenu has been detained as per the order of the first respondent under Section 2(f) of the Tamilnadu Act 14 of 1982, branding him as "Goonda". Challenging the same, she has come forward with this petition.

2.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.

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 imminent possibility of the detenu coming out on bail, is not based on any material. This, according to the learned counsel for the petitioner, reflects the total non application of mind of



the Detaining Authority. Thus, according to the learned counsel for the petitioner, the detention order is liable to be set aside.

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

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5. We have considered the above submissions. Admittedly, the detenu had moved bail applications in respect of Crime Nos.721 and 746 of 2014 and the same were dismissed by the learned Judicial Magistrate, Perambalur and thereafter, he has not moved any application seeking bail. Still the detaining authority has come to the conclusion that there is imminent possibility of the detenu coming out on bail. Thus, the satisfaction of the Detaining Authority that there was imminent possibility of the detenu coming out on bail is baseless and therefore, the detention order is liable to be set aside.

6. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the first respondent, in his Proceedings in Cr.M.P.No.04/2015, dated 30.01.2015 is quashed. The detenu, by name, Sakthivel, S/o.Srinivasan, aged about 22 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, SECRETARIAT, CHENNAI - 9
2. THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE, PERAMBALUR DISTRICT, PERAMBALUR.
3. THE JOINT SECRETARY TO GOVT., PUBLIC (LAW & ORDER) DEPARTMENT, FORT ST.GEORGE, CHENNAI.
4. THE SUPERINTENDENT OF PRISON, CENTRAL PRISON, THIRUCHIRAPPALLI.
(IN DUPLICATE TO COMMUNICATE THE DETENU)
5. THE SUPERINTENDENT OF POLICE, PERAMBALUR DISTRICT.
6. THE INSPECTOR OF POLICE, MANGALAMEDU POLICE STATION, PERAMBALUR
7. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to M/s.T.Senthilkumar, Advocate in SR.No.57826

H.C.P(MD)No.1295 of 2015

gcg

01.10.2015

PBK/AMF/SAR-II 07/10/2015 ::2P-9C::