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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:07.09.2015

CORAM:
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.562 of 2015

Murugeshwaran @ Eswaran

.. Petitioner

Vs.

1.State represented by

The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.

2. The Secretary to Government,

Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-9.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the records from the first respondent in M.H.S.Confdl.No.20/2015 dated 09.03.2015 by setting aside the said order of detention passed by the first respondent and setting the detenu Murugeshwaran @ Eswaran, aged about 25 years, S/o. Gurusamy Moopnar, at liberty now detained in the Central Prison, Palayamkottai.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.T.Mohan

Additional Public Prosecutor.

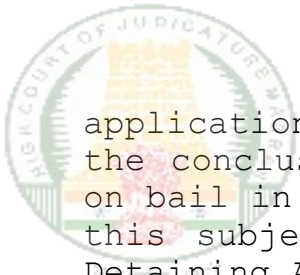
O R D E R

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

The petitioner is the detenu, who has been detained under the Tamil Nadu Act 14 of 1982 by the order of the first respondent, in his proceedings in M.H.S.Confdl No.20/2015, dated 09.03.2015, 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 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 focus his argument only on the ground that in the ground case, he never moved any



application for bail and still the Detaining Authority had come to the conclusion that there was real possibility for him to come out on bail in the ground case. The learned counsel would point out that this subjective satisfaction said to have been arrived at by the Detaining Authority is wholly baseless.

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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, 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 had 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 first respondent, in his Proceedings in M.H.S.Confdl.No.20/2015, dated 09.03.2015, is quashed. The detenu, by name, Murugeshwaran @ Eswaran, aged about 25 years, S/o. Gurusamy Moopanar, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

PJL/RR

To

- 1.The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.
 2. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai-9.
 - 3.The Superintendent of Prison,
Palayamkottai,Tirunelveli District.
(With copies to communicate to the detenu)
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
 - 5.The Joint Secretary to Government
Public (Law & Order) Fort St George, Chennai-9
- +1cc to Mr.K.Prabhu, Advocate SR NO.52641

ORDER MADE IN

H.C.P (MD) No.562 of 2015

07.09.2015