



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.569 of 2015

Rajeswari

..Petitioner

Vs.

1. State represented by

The District Collector and District Magistrate,
O/o. the District Collector and District Magistrate,
Tirunelveli,
Tirunelveli District.

2. The Principal Secretary to Government,
State of Tamilnadu,
Home, Prohibition and Excise Department,
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 records from the first respondent in M.H.S.Confdl.No.19/2015 dated 09/03/2015, by setting aside the said order of detention passed by the first respondent and setting the detenu, Murugan @ Mila Murugan, aged about 29 years, S/o. Ramachandran Nayakkar, 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 mother of the detenu, namely Murugan @ Mila Murugan, S/o. Ramachandran Nayakkar, aged about 29 years. He has been detained under the Tamil Nadu Act 14 of 1982 as per the order of the first respondent in his proceedings in M.H.S.Confdl.No.19/2015, dated 09/03/2015 branding him as "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. 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 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.

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6. It is crystal clear that in Crime No.85 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 coming out on bail.

7. In our considered view, the said satisfaction is based on no material. Therefore the detention order is liable to be set aside.

8. 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.19/2015 dated 09/03/2015, is quashed. The detenu, namely, Murugan @ Mila Murugan, S/o.Ramachandran Nayakkar, aged about 29 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(RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector and District Magistrate,
O/o. the District Collector and District Magistrate,
Tirunelveli, Tirunelveli District.
2. The Principal Secretary to Government,
State of Tamilnadu, Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.
3. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli District.
(in duplicate for communication to detenu)
4. The Joint Secretary to Government,
Public (Law & Order) Department,
Fort St.George, Chennai-9.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.K.Prabhu, Advocate in SR.No.52808

H.C.P(MD)No.569 of 2015
08.09.2015

pjl

PBK/GSV-PM/SAR-II 11/09/2015 ::2P-8C::