



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**
and

THE HONOURABLE MR.JUSTICE **V.S.RAVI**

H.C.P(MD)No.582 of 2015

Rubeni

.. Petitioner

Vs.

1. The State of Tamilnadu,
rep. by its Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-9.

2. The Commissioner of Police,
Commissioner Office, Chennai.

.. 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 relating to the detention order passed by the 2nd respondent in Detention Order No.268/BCDFGISSSV/2015, dated 23.03.2015 and quash the same and direct the respondents to produce the detenu namely Pandian @ Burma Pandi @ Duraipandi, S/o.Balakrishnan @ Krishnan, aged 26 years who is detained at Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.B.Pandiarajan

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.Pandian @ Burma Pandi @ Duraipandi, S/o.Balakrishnan @ Krishnan, aged 26 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 No.268/BCDFGISSSV/2015, dated 23.03.2015, 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 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 only on the ground that there was no bail application filed in the Crime Nos.419/2014, 696/2014, 698/2014, 699/2014 and 725/2014 before the



Court of Sessions. The Detaining Authority has concluded that the relatives of the detenu are trying to file an application for seeking bail. The learned counsel for the petitioner would submit that to substantiate this, there was no material at all placed before the Detaining Authority.

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. In our considered view, the detenu had not made any application at all for seeking bail before any Court. But the Detaining Authority has stated that the petitioner, namely, the wife of the detenu, was trying to file an application for bail before the Court of Sessions. It is not known as to how the Detaining Authority had come to this conclusion, when there was no material placed before him at all, even to infer that the petitioner was making arrangements to file an application for bail before the Court of Sessions. Thus, the satisfaction arrived at by the Detaining Authority that there was real possibility of the detenu coming out on bail is totally baseless. In such view of the matter, the detention order passed by the second respondent is liable to 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 No.268/BCDFGISSSV/2015, dated 23.03.2015, is quashed. The detenu, namely, Pandian @ Burma Pandi @ Duraipandi, S/o.Balakrishnan @ Krishnan, aged 26 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 (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-9.
2. The Commissioner of Police, Commissioner Office, Chennai.
3. The Superintendent of Prison, Central Prison, Madurai.
(In Duplicate for communication to the detenu)
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.