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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.620 of 2015

Thangalakshmi

.. Petitioner

Vs.

1. State of Tamil Nadu,
rep. by Secretary to Government,
Home, Prohibition and
Excise Department, Fort St.George,
Chennai-9.

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

3.The Inspector of Police,
Video Piracy Cell,
Virudhunagar.

.. 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 in Cr.M.P.No.04/2015 dated 18.02.2015 and to quash the same and direct the respondents to produce the body of the detenu, Valaiyapathi, S/o.Seeniyappa Nadar, aged about 54 years, before this Hon'ble Court and set him at liberty, now detained at Central Prison, Madurai.

For Petitioner : Mr.S.Deenadhayalan

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 the detenu, namely Valaiyapathi, aged 54 years. The detenu has been detained under the Tamil Nadu Act 14 of 1982 as per the order of the second respondent in Cr.M.P.No.04/2015, dated 18.02.2015 branding him as "Video Pirate". 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 would come 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. It is crystal clear that in Crime Nos.236/14, 123/14 and 126/14, 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.

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 second respondent, in Cr.M.P.No.04/2015, dated 18.02.2015, is quashed. The detenu, namely, Valaiyapathi, aged 54 years, S/o.Seeniyappa Nadar, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

PJL

To

1.The Secretary to Government,
Home, Prohibition and
Excise Department, Fort St.George,



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

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3.The Inspector of Police,
Video Piracy Cell,
Virudhunagar.

4.The Superintendent of Prison,
Central Prison, Madurai,
(In duplicate to communicate the detenu)

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

6.The Joint Secretary to Government
Public Law & Order Department, Fort St., George, Chennai-9

+1cc to Mr.S.Deenadhayalan, Advocate SR No.53093

ORDER MADE IN
H.C.P (MD) No.620 of 2015
08.09.2015

RG.14.09.2015/SK/SKN/SAR-I 3P/9C.