



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.09.2015

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

H.C.P (MD) No.623 of 2015

Pushba Danraj .. Petitioner
Vs.

- 1.The Secretary to Government,
Public (Law and Order-F) Department,
State of Tamilnadu,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Ramanathapuram,
Ramanathapuram District.
- 3.The Secretary to the Government of India,
Ministry of Home Affairs,
Department of Internal Security,
North Block,
New Delhi-1100001.
4. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records, connected with the detention order of the Respondent No.2 in Cr.M.P.No.04/NSA/2015, dated 17/04/2015 and quash the same and direct the respondents to produce the body or person of the detenu by name, Pushpa Danraj, Son of Marucheliyan, aged about 45 years, now detained at Madurai Central Prison before this Honourable Court and set him at liberty.

For Petitioner
For RR 1,2 & 4

: Mr.R.Alagumani
: Mr.S.Shanmuga Velayutham
State Public Prosecutor
assisted by Mr.T.Mohan
Additional Public Prosecutor
: Mr.D.SARAVANAN,
Central Government Standing Counsel

For R3



O R D E R

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

The petitioner is the detenu, Mr. Pushba Danraj, aged 45 years who has been detained under sub Section (2) of the Section 3 of the National Security Act, 1980 (Central Act 65 of 1980), by the second respondent in his proceedings in Cr.M.P.04/NSA/2015, dated 17.04.2015. 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 gone through 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.4 of the detention order, the detenu had not moved any application before any Court for bail.

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

5. We have considered the above submissions.

6. A perusal of the impugned order would go to show that in Crime No.24 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 would come out on bail. In our considered view, the said satisfaction is based on no material. 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 second respondent, in his proceedings in Cr.M.P.No.04/NSA/2015, dated 17.04.2015, is quashed. The detenu, namely, Pushpa Danraj, S/o. Marucheliyan, aged about 45 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/



- 1.The Secretary to Government,
Public (Law and Order-F) Department,
State of Tamilnadu,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Ramanathapuram,
Ramanathapuram District.
- 3.The Secretary to the Government of India,
Ministry of Home Affairs,
Department of Internal Security,
North Block,
New Delhi-1100001.
4. The Superintendent of Prison,
Madurai Central Prison,
Madurai District. (In duplicate to communicate the detenu)
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Alagumani, Advocate SR NO.56219

+1cc to Mr.D.Saravanan, Advocate SR No.55926

ORDER MADE IN
H.C.P (MD) No.623 of 2015
22.09.2015

rg.28.09.2015/SK/SKN/SAR-I 3P/9C