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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.652 of 2015

Srikanth

..Petitioner

Vs.

1. The Principal Secretary to Government,
Home, Prohibition and Excise(IX) Department, Secretariat,
State of Tamilnadu,
Chennai-600 009.

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

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the respondent No.2 in M.H.S.Confdl No.43/2015 dated 09.04.2015 and quash the same and direct the respondents to produce the detenu namely Srikanth, son of Rajendren, aged about 27 years detained in Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

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, namely Srikanth, S/o. Rajendren, aged about 27 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.43/2015, dated 09/04/2015 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.

<https://hcservices.ecourts.gov.in/hcservices/>

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.6 of the detention order, the detenu had not moved any application before any Court for bail.

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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. It is crystal clear that in Crime No.177 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.43/2015 dated 09.04.2015, is quashed. The detenu, namely, Srikanth, S/o. Rajendren, aged about 27 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(CO)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Home, Prohibition and Excise(IX) Department, Secretariat,
State of Tamilnadu, Chennai-600 009.
- 2.The District Collector and District Magistrate,
O/o.the District Collector and District Magistrate,
Tirunelveli District.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
(in duplicate to communicate the detenue)
- 4.The Joint Secretary to Government,
Public (Law & Order) Department,
Fort St.George, Secretariat, Chennai-9.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.R.Alagumani, Advocate in SR.No.54179

H.C.P (MD) No.652 of 2015
11.09.2015