



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.806 of 2015

S.Kavitha

.. Petitioner

Vs.

1. State of Tamilnadu,
represented by the Secretary, to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-9.
2. The District Collector and District Magistrate,
O/o.the District Collector and District Magistrate,
Nagapattinam District,
Nagapattinam.
- 3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

.. 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 in detention order passed in C.O.C.No. 35/2015 dated 30.05.2015 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's husband namely Senthil @ Senthilkumar, S/o.Jayarama Thevar, male, aged 45 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu

For Respondents : Mr.T.Mohan

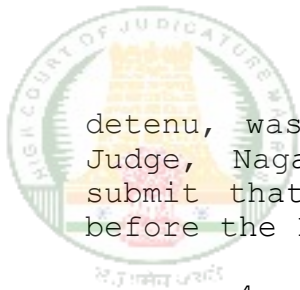
Additional Public Prosecutor.

O R D E R

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

The petitioner is the wife of one Mr.Senthil @ Senthil Kumar, S/o.Jayarama Thevar, aged at 45 years. He has been detained under the Tamil Nadu Act 14 of 1982, as per the order of the second respondent in C.O.C.No.35 of 2015, dated 30.05.2015 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 ground case in Crime No.217 of 2015 before the Court of Sessions. The Detaining Authority has concluded that the petitioner, namely, Kavitha, wife of the



detenu, was trying to file an application for bail before the Sessions Judge, Nagapattinam. 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 would oppose this petition. According to him, the Inspector of Police had information that the petitioner was trying to file an application for bail before the Court of Sessions.

5. We have considered the above submissions.

6. Admittedly, an application for bail filed by the detenu in Crime No.217 of 2015 was dismissed by the learned Judicial Magistrate, Vedharanyam, on 20.05.2015. Thereafter, the detenu had not made any application at all for seeking bail from the learned Sessions Judge, Nagapattinam. 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 proceedings in C.O.C.No.No.35 of 2015 dated 30.05.2015 is quashed. The detenu, namely, Senthil @ Senthilkumar, S/o.Jayarama Thevar, aged 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(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary, to Government, Home, Prohibition and Excise Department, Fort St.George, Chennai-9.
 2. The District Collector and District Magistrate, O/o.the District Collector and District Magistrate, Nagapattinam District, Nagapattinam.
 3. The Superintendent of Prison, Central Prison, Tiruchirappalli.
(In duplicate for communicate to the detenu)
 4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1CC to Mr.K.A.S.Prabhu, Advocate, SR.No.51888.

ORDER MADE IN

H.C.P (MD) No.806 of 2015
04.09.2015