



WEB COPY

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.830 of 2015

Poondi Saravanan @ Saravanan

.. Petitioner

Vs.

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

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

3.The Superintendent of Prison,
Central Prison,
Madurai.

.. 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 detention order No.34/2015, dated 26.05.2015 and quash the same and direct the respondents to produce the body or person of the detenu by name Poondi Saravanan @ Saravanan, S/o.Raju Chettiar, aged about 35 years, now detained at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.T.Mohan

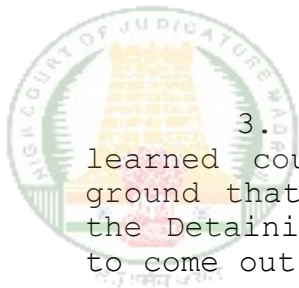
Additional Public Prosecutor.

O R D E R

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

The petitioner is the detenu, namely Poondi Saravanan @ Saravanan, S/o.Raju Chettiar, aged 35 years. He has been detained under the Tamil Nadu Act 14 of 1982 as per the order of the second respondent in his Detention Order No.34 of 2015, dated 26.05.2015 branding him as "Goonda". Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

<https://hcservices.ecourts.gov.in/hcservices/>
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 subjective satisfaction said to have been arrived at by the Detaining Authority that there was a real possibility for the detenu to come out on bail, is not based on any material.

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.120 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.

6. 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 Detention Order No.34 of 2015, dated 26.05.2015 is quashed. The detenu, namely, Poondi Saravanan @ Saravanan, S/o.Raju Chettiar, aged at 35 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 Secretary to Government,State of Tamilnadu, Home,Prohibition and Excise Department, Fort St.George, Chennai -9.
 - 2.The District Magistrate and District Collector, O/o. the District Magistrate and District Collector, Dindigul District, Dindigul.
 - 3.The Superintendent of Prison, Central Prison, Madurai. (In duplicate for communication to detenu)
 - 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1CC to Mr.R.Alagumani, Advocate, SR.No.52792

ORDER MADE IN
H.C.P (MD) No.830 of 2015
08.09.2015

AM/AAL.MPA/SAR-I/11.09.2015/2P/6C