

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.2069/2015

Lakshmi ... Petitioner/Mother of
the detenu

Vs

1.The Secretary to Government of Tamil Nadu,
Prohibition and Excise Department (Home)
Secretariat, Fort St.George,
Chennai-600 009

2.The Commissioner of Police,
Commissioner Office-Greater Chennai,
Vepery, Chennai-600 007

3.The Inspector of Police,
G7 Chetpet Police Station,
Chennai

... Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying to issue a WRIT OF HABEAS CORPUS
to call for the records in Memo No.720/BCDFGISSSV/2015 dated
10.08.2015 passed by the second respondent and quash the same as
illegal and consequently direct the respondents to produce the
detenu Manikandan, son of Ravi, aged 27 years, who is now
confined at Central Prison, Puzhal, Chennai, before this Court
and set him a liberty.

For Petitioner : Mr.D.Pugazh Nandhan

For Respondents : Mr.A.N.Thambidurai
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu-
Mr.Manikandan, who has been detained under Act 14 of 1982, on
the orders of the second respondent by his proceedings in Memo

No.720/BCDFGISSSV/2015, dated 10.08.2015.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. It is seen from the records that as against the detenu there were four cases pending as follows:

(1) In S.10 Pallikaranai Police Station - Cr.No.1156 of 2015.

(2) In E-2 Royapettah Police Station-Cr.No.1800 of 2015.

(3) In F.2 Egmore Police Station - Cr.No.1116 of 2015.

(4) In G7 Chetpet Police Station - Cr.No.429 of 2015.

4. Admittedly the detenu was arrested and remanded to custody in respect of all the four cases. But he was granted bail only in connection with the cases in G7 Chetpet Police Station Crime Nos.429 of 2015 and 904 of 2015. Even in those two cases, he was not released by the jail authorities, as he had not executed the bond. The detaining authority had not considered that there was no bail granted to the detenu in connection with the other two cases. He has stated that there was imminent possibility of the detenu coming out on bail on producing surities. It is not known as to how the detaining authority had come to such a conclusion without considering the fact that the detenu was in judicial remand in connection with two other cases. This only shows non-application of mind on the part of the detaining authority. Therefore, the detention order is liable to be quashed.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 10.08.2015, passed by the second respondent is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msk

To

1.The Secretary to Government of Tamil Nadu,
Prohibition and Excise Department (Home)
Secretariat, Fort St.George,
Chennai-600 009

2.The Commissioner of Police,
Commissioner Office-Greater Chennai,
Vepery, Chennai-600 007

3. The Superintendent
Central Prison
Puzhal Chennai

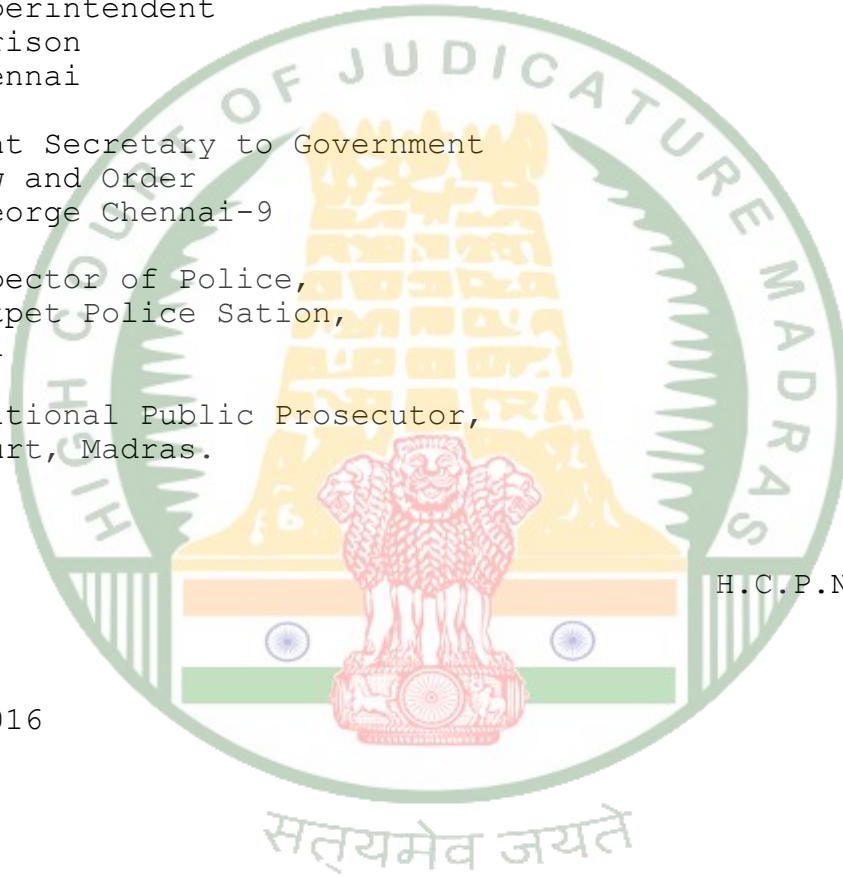
4.The Joint Secretary to Government
Public Law and Order
Fort St.George Chennai-9

5.The Inspector of Police,
G7 Chetpet Police Station,
Chennai

6.The Additional Public Prosecutor,
High Court, Madras.

H.C.P.No.2069/2015

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