

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.3248 of 2015

K.Kumari

... Petitioner

Vs.

1.The Inspector of Police
J10, Chemencheri Police Station
Chemencheri
Chennai.

2.Pranav @ Prasanav

3.Kannan

... Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the 1st respondent police to investigate and secure the petitioner's husband Mr.Kathan Balu and produce the person or body who is under the illegal custody of the 2nd and 3rd respondent before this Court and set him at liberty.

For Petitioner : Ms.Subhalaxmi Samanta

For R1 : Mr.A.N.Thambidurai
Additional Public Prosecutor

O R D E R

(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition has been filed by the petitioner, to cause production of her husband, namely Kathan Balu, who is said to be under the illegal custody of the 2nd and 3rd respondent, and set him at liberty.

2. It is the case of the petitioner that, her husband Kathan Balu, who was into Real Estate business went missing from 19.12.2015, in connection with which a case in J10, Chemencheri Police Station Cr.No.3037 of 2015 for "man missing" has been

registered. Since the police are not taking effective steps to secure the detenu, the present Habeas Corpus Petition has been filed.

3. Today when the matter was called, the respondent police have filed a Status Report, wherein they have stated that the petitioner's husband is involved in a case investigated by District Crime Branch, Cuddalore District in Cr.No.17 of 2014 for offences under Sections 420, 467, 468, 471 and 473 IPC, in which he has been shown as A2 and that it is alleged in the complaint that, he had fabricated bank cheques in collusion with the Bank Officials and had withdrawn around Rs.36 lakhs.

4. Learned Additional Public Prosecutor submitted that the petitioner's husband is involved in a case investigated by the Central Bureau of Investigation, Anti Corruption Bureau, Karnataka State in Cr.No.RP 03(A)/2015/CBI/ACB/BLR for various offences.

5. In paragraph 14 of the Status Report it is stated as follows:

"14. I submit that the detenu concealing himself to evade from debtors and police and also further suspected that the detenu would have been left the Country by using duplicate passports."

6. In view of the above, we infer that the alleged detenu is absconding from the clutches of law in order to evade arrest. Be that as it may, we direct the first respondent police to proceed with the investigation in Cr.No.3037 of 2015 and keep the petitioner informed of the developments, if any.

With the above direction, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
J10, Chemencheri Police Station
Chemencheri
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Samanta and Ston, Advocate, S.R.No.3043

H.C.P.No.3248 of 2015

GJ(CO)
CA(10/02/2016)



WEB COPY