

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.01.2016

CORAM

THE HONOURABLE JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.144 of 2016

M.Ramu
S/o.Muthu

... Petitioner

vs.

1.The Commissioner or Police,
Chennai City, Vepery, Chennai-7.

2.The Inspector of Police,
Maduravoyal Police Station,
Chennai

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus directing the respondents to secure the detenu by name P.Loganathan along with other detenus namely 1) T.Kannadasan, 2) P.Sharmila, 3) K.Priya 4) Arokiadoss, 5) M.Santhanam, 6)Sivasanakari 7)G.Mohan 8) Muthukrishnan 9) Ramu 10)Muthuprabhu, 11)Kannaiyan 12)Manigandan 13)Sarathy,14)Lalitha 15) Ezhumalai 16)Jayanthi 17)Saroja 18) Koteeswaran 19) Maniyarasi 20)Meenkshi, 21)Narmada 22)Geetha 23)Manimegalai 24) Sumathy, before this Court and set them at liberty

For Petitioner : Mr.R.SankaraSubbu
for

Mr.K.Thilageswaran

For Respondents: Mr.A.N.Thambi Durai
Additional Public Prosecutor [R1 & R2]

O R D E R

(Order of the Court made by C.T.SELVAM, J.)

Terming the detention of 24 persons as illegal custody, petitioner seeks a direction towards setting them at liberty.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents.

3. Learned counsel for petitioner submitted that persons detained were fellow students and their family members. They intend to attend the funeral of one of three girls who died at the SVS Medical College of Electropathy, Homeopathy and Naturopathy, Kallakurichi, Villupuram District. The funeral is to be conducted after the post mortem which is underway at the Kilpauk Medical College Hospital, Chennai.

4. Learned Additional Public Prosecutor submits that the persons detained were the members of Revolutionary Students Youth Federation (hereinafter 'RSYF') an organization frequently engaging in acts detrimental to public law and order. On being ascertained that they intended to gather unlawfully at the place of conduct of post mortem and that they intended to indulge in acts of sloganeering and casting aspersions against the State and that they were also found in possession of posters towards such end, they had been taken into custody pursuant to registration of a case under Section 151 Cr.P.C in Crime No.82 of 2016 on the file of the 2nd respondent at 10.35 a.m this day 28.01.2016. He submitted that they had refused to furnish their addresses. Learned Additional Public Prosecutor submits that the intent of respondents is only to avoid any untoward incidents and persons detained would be released immediately after the funeral.

5. In response, learned counsel for petitioner submits that excepting two viz., Ramu S/o Narayanan and Sarathy s/o Paul Moorthy, the other persons detained are not members of RSYF. He submitted that all 24 of them intended only to attend the funeral and would conduct themselves in a peaceful and unprovocative manner. He further submitted that they would furnish their addresses to the 2nd respondent. Learned counsel, on instructions, submits that affidavit of undertaking towards proper conduct of the persons detained would be filed. An affidavit has also been filed by the petitioner to the said effect.

6. On consideration of the rival submissions and particularly the undertaking made before this court by way of affidavit, this Court directs the 2nd respondent to release the persons in the custody towards their attending the funeral of Monisha upon their furnishing their respective addresses and on the following conditions:

- (i) The detainees shall not indulge in any form of agitation like road roko, road blockage, dharna, slogan shouting, procession etc. They shall peacefully attend the funeral and disperse.
- (ii) It is further directed if any violation of these conditions is made the respondent Police shall be at liberty to take appropriate action to maintain the law and order.

This Habeas Corpus Petition, accordingly, is ordered.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner or Police,
Chennai City, Vepery, Chennai-7.

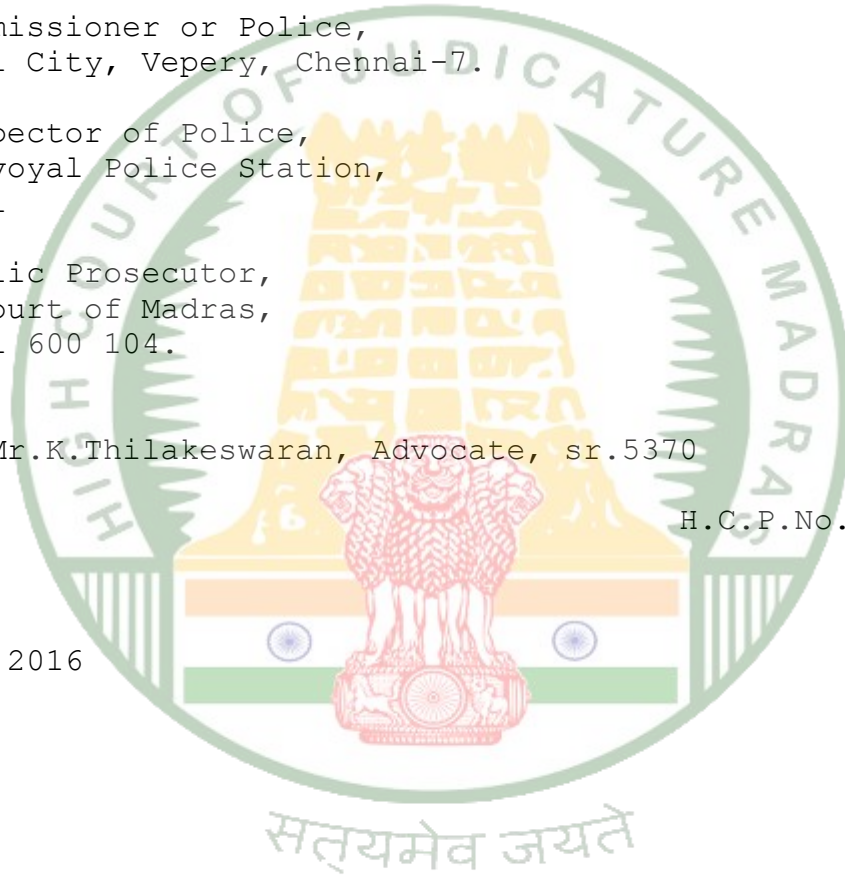
2.The Inspector of Police,
Maduravoyal Police Station,
Chennai

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 cc to Mr.K.Thilakeswaran, Advocate, sr.5370

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