

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM
and
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

H.C.P.No. 222 of 2016

Sampath

.. Petitioner

Vs.

1.The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009.

2.The District Collector and
District Magistrate
Tiruvanamalai District
Tiruvanamalai

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to call for the records in connection with the order of Detention passed by the second respondent dated 11.01.2016 in D.O.No.02/2016-C2 against the petitioner Sampath male aged 37 years S/o. Arumuga Mudaliyar, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

For Respondents : Mr.M.Maharaja
Addl. Public Prosecutor

O R D E R

[Order of the Court was made by G.CHOCKALINGAM, J.]

The petitioner, who is the detenu, Sampath, Son of Arumuga Mudaliyar, aged about 37 years, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 11.01.2016 branding him as a "GOONDA" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Even though the learned counsel for the petitioner raised many grounds in assailing the impugned order of detention in the petition, he focused his argument on the ground that the bail applications filed by the detenu in the ground case as well as the first adverse case were dismissed by the learned Magistrates concerned and thereafter, no fresh application was filed by him seeking bail. When that be so, the satisfaction arrived at by the detaining authority, that there is likelihood of the detenu coming out on bail is absolutely baseless.

3. We have considered the above submissions.

4. As rightly pointed out by the learned counsel for the petitioner, from paragraph 5 of the detention order, it is crystal clear that the detenu had not filed any application seeking bail, after dismissal of the earlier applications. When that be so, it is not explained to the Court as to how the detaining authority has come to the conclusion that there was real possibility of the detenu coming out on bail. This shows the predetermined mind of the detaining authority. In such view of the matter, the detention order is liable to be quashed.

5. Accordingly, the habeas corpus petition is allowed and the detention order dated 11.01.2016, passed by the 2nd respondent is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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

2.The District Collector and
District Magistrate
Tiruvanamalai District
Tiruvanamalai

3.The Additional Public Prosecutor
High Court, Madras.

4.The Superintendent of Police,
Central Prison, Vellore.

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

H.C.P.No.222 of 2016

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