

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35750 of 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the high handed action of the respondents 3 to 5 in creating mental torture by deputing Task Force Police to detain the petitioner to take illegal custody and to put him in police lockup and apply third degree methods with the influence of the seventh respondent, even though the petitioner got bail in F.I.R.No.514 of 2016 on the file of the fifth respondent, as illegal, improper and violating the personal liberty and natural justice, and consequently to direct the respondents 3 to 5 not to harass or arrest the petitioner.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioner is A.1 in F.I.R.No.514 of 2016 for the offences under Sections 451, 452, 353, 506 read with Section 34 IPC. After arrest of the petitioner herein by the fifth respondent, he was produced before the learned Magistrate for remand and that the learned Magistrate refused to remand him to judicial custody on the ground that the complaint does not disclose any such serious offence and further directed the police to release the petitioner on execution of bond. Accordingly, the petitioner was released on bail on execution of a bond before the fifth respondent. Thereafter, the other two accused were arrested by the fifth respondent and they were produced before the learned Magistrate and they were remanded to judicial custody for a period of three days. Now that the fifth respondent is trying to arrest the petitioner herein and trying to detain him in lockup for a period of three days at the instance of the seventh respondent. Hence, he approaches this Court seeking a

direction to the respondents 3 to 5 not to harass and detain the petitioner in lockup.

Considering the facts and circumstances of the case, the respondents 4 and 5 are directed not to interfere with the affairs of the petitioner herein and also further directed not to arrest the petitioner in connection with F.I.R.No.514 of 2016 since he was already arrested and released on bail as per the directions of the learned Magistrate.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

26.10.2016
pln



JUSTICE RAJA ELANGO