

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE R. SUBRAMANIAN

H.C.P.No.109 of 2017

Mrs.Megavani,
W/o.Balasubramanian

.. Petitioner

Vs.

1.The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.

2.The Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records in C3/D.O/34/2016 on the file of the first respondent, quash the detention order dated 26.12.2016 and direct the production of the detenu Balu @ Balasubramanian @ Kumthamedu Balu, S/o.Duraisamy presently detained at the Central Prison, Cuddalore, under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.

For Petitioner : Mr.A.M.Rahamath Ali
For Respondents : Mr.E.Raja,
Addl. Public Prosecutor

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is the wife of the detenu seeking to quash the detention order dated 26.12.2016, passed by the first respondent.

2.The learned counsel for the petitioner would submit that the petitioner was granted bail in the ground case. In one of the adverse cases, he has been remanded. But, no bail application has been filed. However, the detention order has

been passed on the premise that he would get bail in all likelihood.

3. This Court considered the submissions made.

4. Admittedly, in the case on hand no bail application has been filed in the adverse case. The detaining authority made a general observation that in similar cases bail have been granted even without any specific reference to any individual case. Such a general statement cannot be the basis of passing the detention order.

5. In such view of the matter, we are inclined to set aside the detention order dated 26.12.2016, passed by the first respondent.

6. Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 26.12.2016, passed by the first 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

//True Copy//

Sub Assistant Registrar

vsm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 2.The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Joint Secretary to Government,
Public (Law and Order),
Fort St. George, Chennai-9.
- 5.The Public Prosecutor,
Madras High Court, Chennai.

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EV(CO)

RS(13/06/2017)