

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2017

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

H.C.P.No. 130 of 2017

Parveen Nasir

.. Petitioner

Vs.

The Inspector of Police
Bagayam Police Station
Vellore
Vellore District

.. Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondent to produce the detenu, namely, Sathar, son of Nasir, aged about 24 years, before this Court and set him at liberty

For Petitioner : Mr.M.Sathish Kumar

For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

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

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondent.

2. This Habeas Corpus Petition has been filed, praying that this Court may be pleased to issue a direction to the respondent to produce the detenu, namely, Sathar, aged 24 years, son of Nasir, before this Court and to set him at liberty.

3. This petition has been filed by the wife of the detenu. She had stated that on 01.09.2016, the detenu is alleged to have waylaid the defacto complainant and had forcibly grabbed a sum of Rs.1500/- from him. Based on the complaint made by the defacto complainant, the detenu had been arrested along with

one Ajees for the offences punishable under Sections 341, 294 (b), 394 r/w.397 and 506(ii) IPC, in Crime No.439 of 2016. The detenu had been arraigned as the second accused in the said case.

4. In such circumstances, a bail petition had been moved before the Judicial Magistrate I, Vellore . The said Court had passed an order directing the detenu to deposit a sum of Rs.50,000/- to the credit of Crime No.439 of 2016 before the Judicial Magistrate I, Vellore. Further conditions had also been imposed for the release of the detenu, on bail. However, the detenu had moved this Court in CrI.O.P.No.22554 of 2016 for the modification of the order passed by the Judicial Magistrate No.I, Vellore in Crime No.439 of 2016. The learned single Judge, by an order dated 12.01.2017, had dismissed the criminal original petition confirming the order passed by the Judicial Magistrate I, Vellore. Hence, the petitioner, who is the wife of the detenu, filed the present Habeas Corpus Petition before this Court.

5. Having heard the learned counsel appearing on behalf of the petitioner and on a perusal of the avements made in the affidavit filed in support of the Hebeas Corpus Petition, we are of the view that the relief prayed for by the petitioner in the present Habeas Corpus Petition cannot be granted. It is found that the Judicial Magistrate I, Vellore, had passed an order relating to Crime No.439 of 2016, directing the deposit of Rs.50,000/- to the credit of the said crime number for the grant of bail. Certain other conditions have also been imposed by the said Court. By an order passed by this Court on 12.01.2017, the order passed by the Judicial Magistrate was confirmed stating that there is no reason to modify the conditions imposed for the grant of bail to the detenu.

As we do not find any acceptable grounds for the grant of relief as prayed for by the petitioner, this Habeas Corpus Petition stands closed.

सत्यमेव जयते

s/d-

Assistant Registrar(CO)

//True Copy//

Sub-Assistant Registrar

To

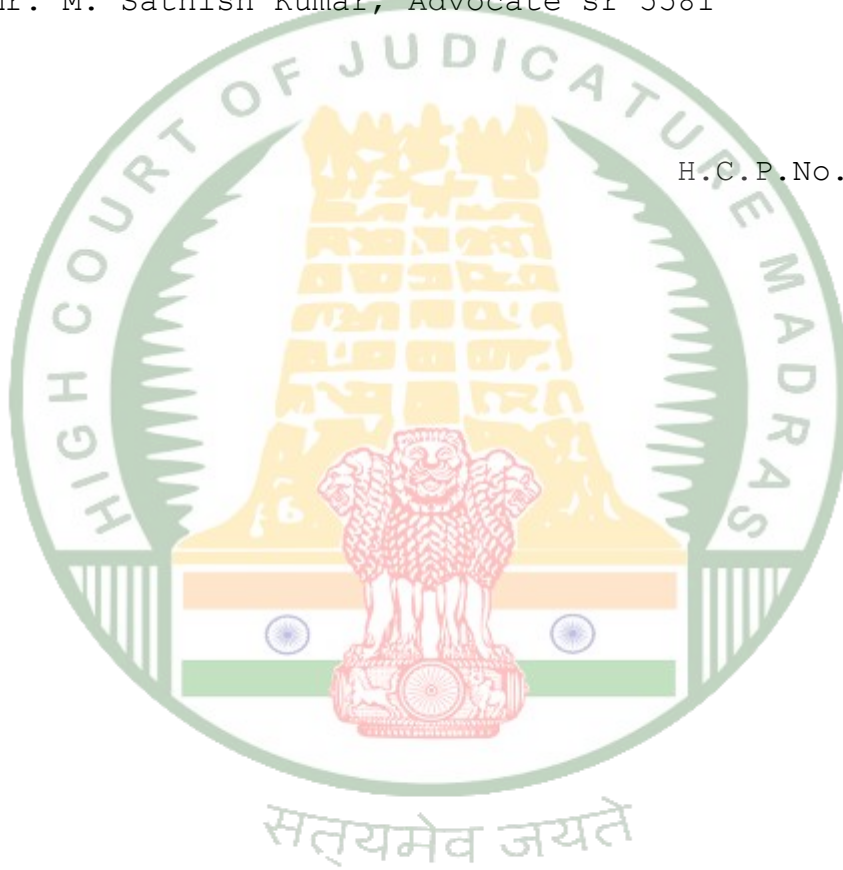
1. The Inspector of Police
Bagayam Police Station
Vellore
Vellore District

2. The Public Prosecutor
High Court, Madras.
3. The Superintendent, Central Prison, Vellore.
(In Duplicate for communication to Detenu)
4. The Joint Secretary to Government
Public (Law & Order), Fort.St. George
Chennai 9

+1 CC to Mr. M. Sathish Kumar, Advocate sr 5581

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SR(CO)
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