

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.05.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

HCP No.174/2017

B. Arivu Jeevi

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Petitioner

Vs

1. The State of Tamil Nadu
Rep.by its Secretary,
Home, Prohibition and Excise Department
Fort ST. George
Chennai - 600 009.
2. The District Collector
and District Magistrate
Ariyalur District Collectorate,
Ariyalur.
3. The Superintendent of Police,
O/o. District Superintendent of Police,
Ariyalur District,
Ariyalur.

..

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus calling for the records in order of detention bearing Criminal Miscellaneous Petition No.36 of 2016 dated 13.12.2016 and quash the same and to direct the production of C.Baskar, son of Chokklingam (Detenu No.7764) who is presently detained in the Central Prison, Tiruchirappalli to be produced before this Hon'ble Court and set at liberty.

For Petitioner : Mr.S.Sakthivel

For Respondents : Mr.E.Raja
Addl. Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu seeking to challenge the detention order, dated 13.12.2016.

2 The learned counsel for petitioner made two submissions, one with respect to the non-application of mind on the part of detaining authority, as bail application was dismissed and therefore, there is no likelihood of the detenu coming out on bail. Secondly, with respect to reliance made on similar cases, in which order was passed in Cr.MP.No.452/2012, dated 30.04.2012, which is prior to the dismissal of the first application filed by the Detenu in the ground case dated 22.11.2016.

3 On the above submissions, this Court is of the view that the detenu entitled to succeed as there may not be any reliance upon the earlier order which is prior to the dismissal of the Bail Application filed by the detenu. Similarly, we do not find any reason to come to the conclusion about the imminent possibility of the detenu coming out on Bail, in view of the pendency of any new application seeking bail.

4 In such view of the matter, we are of the opinion that detention order is liable to be dismissed.

5 Accordingly, the Habeas Corpus petition is allowed and the Detention Order dated 13.12.2016 passed by the second respondent hereby set aside and the detenu is directed to be released forthwith unless his presence is required in connection with other cases.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

AP

To

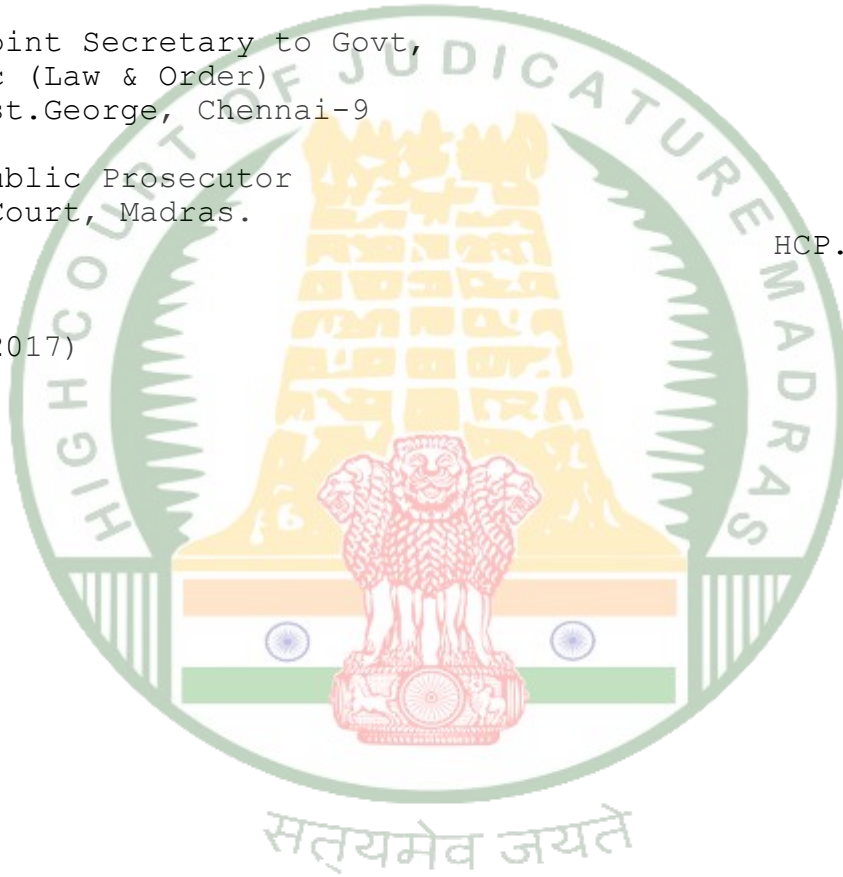
1. The Secretary, State of Tamil Nadu
Home, Prohibition and Excise Department
Fort ST. George
Chennai - 600 009.

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2. The District Collector
and District Magistrate
Ariyalur District Collectorate,
Ariyalur.
3. The Superintendent of Police,
O/o. District Superintendent of Police,
Ariyalur District,
Ariyalur.
4. The Superintendent,
Central Prison, Tiruchirappalli.
5. The Joint Secretary to Govt,
Public (Law & Order)
Fort st.George, Chennai-9
6. The Public Prosecutor
High Court, Madras.

HCP.No.174/2017

SK(CO)
NR(14/06/2017)



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