

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER  
AND  
THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

H.C.P.NO.1806 OF 2017

Ms. S.P. Baby,  
W/o. D. Perumal

..Petitioner

Vs.

1. State represented by:  
The Inspector of Police,  
C-5, Oragadam Police Station,  
Kanchipuram District.
2. Mr. D. Veeraraghavan, Male, age 53 years  
S/o. Dhasaratha Pillai
3. Mr. D. Balakrishnan, Male age 51 years  
S/o. Dhasaratha Pillai

...Respondents

PRAYER: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus directing the first respondent herein to produce the petitioner's husband D. Perumal, aged about 49 years, now under illegal custody of the 2<sup>nd</sup> and 3<sup>rd</sup> respondents herein before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. D. Prasanna

For R1 : Mr. V.M.R. Rajentran,  
Addl. Public Prosecutor

R2 & 3 : Mr. R. Thirumoorthy

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O R D E R

(Order of the Court was made by RAJIV SHAKDHER, J.)

1. In our order dated 26.10.2017, we had directed the Superintendent of Aysha Hospital, Millers Road, Purasaiwakkam, where, we are told that, the detenu was admitted, to produce the detenu, if he was otherwise in a position to come to the Court.

2. It appears that the detenu was staying with his father from where he was secured by the police.

3. Mr.R.Thirumoorthy, Advocate, who appears for respondent Nos.2 and 3, has placed on record a counter affidavit.

4. A perusal of the counter affidavit shows that respondent Nos.2 and 3 are brothers of the detenu.

5. Based on the averments made in paragraph '8' of the said counter affidavit, the learned counsel says that respondent Nos.2 and 3 have no objection to the detenu residing with the petitioner, provided she is able to take care of his health.

6. We have briefly perused the medical record concerning the detenu, which has been placed before us.

7. The discharge summary dated 03.08.2017 of the Aysha hospitals Pvt Ltd., is indicative of the fact that the detenu is suffering from diabetes and psychiatric illness, for which he was, apparently, taking treatment in the hospital.

8. We have interacted with the detenu. He has expressed his intention to return to the petitioner, who, is his wife.

9. Having regard to the aforesaid, the detenu is allowed to accompany the petitioner.

10. That being the position, no further orders are called for.

11. The petition is, accordingly, closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,  
C-5, Oragadam Police Station,  
Kanchipuram District.

2. The Public Prosecutor,  
High Court, Madras.

+1 CC to Mr.D. Prasanna, Advocate sr 80661.

+1 CC to Mr.R. Thirumoorthy, Advocate sr 81321.

H.C.P.No.1806 of 2017

SP(14/12/2017)



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