

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

And

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.2452 of 2017

Mrs.Nazeema

... Petitioner

-Vs-

1.The State, rep. by its
Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.The State, rep. by its
Inspector of Police,
Guduvancherry Police Station,
Kancheepuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the body of the petitioner's daughter in law namely S.Ponmalar, W/o.Sylu @ Sylender, the detenue, who is now under the illegal custody of the 2nd respondent before this Hon'ble Court and to release them forthwith.

For Petitioner : Ms.A.Yamuna

For Respondents: Mr.V.M.R.Rajentran

Additional Public Prosecutor

O R D E R

[Order of the Court was made by RAJIV SHAKDHER, J.]

1.This is a Habeas Corpus Petition, whereby, a direction is sought, for production of one Ms.S.Ponmalar. Petitioner, is the mother-in-law, of the detenue, i.e., Ms.S.Ponmalar.

2.This matter was mentioned yesterday (20.12.2017), for listing before us.

2.1.We had asked Mr.V.M.R.Rajentran, learned Additional Public Prosecutor, to ascertain the exact position, with regard to the assertions, made before us, by the learned counsel for the petitioner.

3.The learned Additional Public Prosecutor has, accordingly, returned with instructions.

3.1.He says, that the detainee/ Ms.S.Ponmalar, was remanded to judicial custody, in Crime No.1231 of 2017.

4.We may note, that the learned counsel for the petitioner, says, that a false case, has been foisted against the detainee/ Ms.S.Ponmalar.

4.1.It is also submitted, that the detainee/ Ms.S.Ponmalar, is pregnant, and, illegal detention, can cause harm to the unborn child.

5.Since, the detainee/Ms.S.Ponmalar, has already been, remanded to custody, in our view, the correct approach would be for the petitioner to apply for regular bail.

6.The circumstances, put forth before us, with regard to the condition of the detainee/Ms.S.Ponmalar, can also be put forth before the concerned Court, in which, bail petition is, ultimately, filed.

7.The petition is disposed of accordingly.

8.Needless to say, that the fact, that no relief is granted, in the present petition, will not come in the way of the concerned Court, in considering the bail petition, if any, filed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

pri/gg

To

1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.The Inspector of Police,
Guduvancherry Police Station,
Kancheepuram District.

3.The Additional Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr.M.RAVIKUMAR Advocate, S.R.No. 91661

H.C.P.No.2452 of 2017

TR(22/12/2017)



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