

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.391 of 2017

Palaniammal
W/o.Devadoss

.. Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Police,
Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 600 007.

3.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the 2nd respondent in BCDFGISSSV No.1025/2016 dated 02.09.2016 and quash the same and direct the respondents to produce the body and person of the petitioner's son namely Karthik @ Mariappan, S/o. Devadoss, aged about 24 years detained in Central Prison, Puzhal, Chennai, before this Court and set his at liberty forthwith.

For Petitioner : Mr.M.Mohammed Saifulla for
Mr.P.Palanikumar

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 mother of the detenu seeking to quash the detention order dated 02.09.2016, passed by the second respondent.

2. It appears that the petitioner is involved in four cases in Crime Nos.1228, 1430, 1564 and 1561 of 2016. After the aforesaid four cases, the ground case is with respect to Crime No.1561 of 2016, in which a bail application was filed and pending. Under this circumstances, the detention order has been passed on the premise that there is a real possibility of the petitioner coming out on bail.

3. It is submitted by the learned counsel appearing for the petitioner that in the other three crime numbers, no application for bail has been filed.

4. In such view of the matter, we are of the view that there is non-application of mind with reference to the likelihood of the petitioner coming out on bail. Therefore, we are inclined to set aside the detention order dated 02.09.2016.

5. Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 02.09.2016, passed by the second respondent, is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

-s/d-
Assistant Registrar(CSVIII)

True Copy

Sub-Assistant Registrar

vsm

To

1.The Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Police,
Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 600 007.

3.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.

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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