

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.480/2017

K.Rukku

Petitioner

Vs

1. The Secretary to the Government
Government of Tamil Nadu
(Home) Prohibition and Excise Dept.
Fort St. George,
Chennai - 600 009.

2. The District Collector
and District Magistrate,
Kancheepuram District,
Kancheepuram.

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus calling for the records connected with the order of the 2nd respondent herein in B.C.D.F.G.I.S.S.V. No.23/2017, dated 21.03.2017 against the detenu namely Kemburaj son of Chokkalingam aged about 49 years, now confined at Central Prison, Puzhal, Chennai and set aside the same, Consequently, directing the respondents herein to produce the body and person of the detenu before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.A.Murugavel
For Respondents : Mr.E.Raja, APP

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 21.03.2017.

2 The learned counsel for the petitioner would submit that in the third adverse case, no bail application has been filed and there is no imminent possibility of the detenu coming out on bail.

3 We are satisfied with the submission made by the learned counsel for the petitioner.

4 The fact that the detenu has not filed any bail application in the third adverse case is not in dispute. Therefore, there cannot be any imminent possibility of the detenu coming out on bail. Thus, there is non application of mind on the part of the Detaining Authority.

5 In such view of the matter, this Court is of the view that the Detention Order is liable to be set aside.

6 Accordingly, the Habeas Corpus Petition is allowed and the Detention Order passed by the 2nd respondent in B.C.D.F.G.I.S.S.S.V. No.23/2017 dated 21.03.2017 is hereby set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

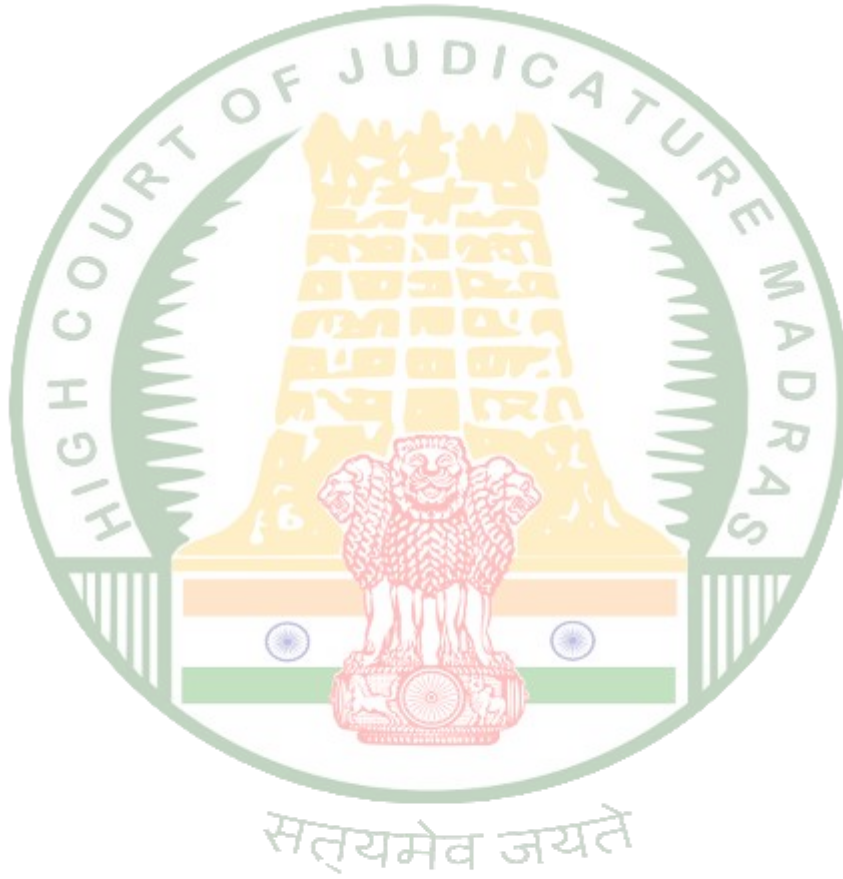
To

1. The Secretary to the Government
Government of Tamil Nadu
(Home) Prohibition and Excise Dept.
Fort St. George,
Chennai - 600 009.
2. The District Collector
and District Magistrate,
Kancheepuram District,
Kancheepuram.
3. The Superintendent ,
Central Prison
Puzhal, Chennai

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.
5. The Public Prosecutor, High Court, Madras.

HCP No.480/2017

AK (CO)
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