

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.531/2017

Merry

Petitioner

Vs

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Chennai city police,
Commissioner Office, Vepery,
Chennai - 600 007.

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus calling for the records relating to the impugned order in No.85/BCDFGISSSV/2017 dated 29.03.2017 on the file of second respondent herein and set aside the same as illegal and direct to the respondents to produce the detenu Rathinaraj, son of Balasubramanian, aged about 22 years, now confined at Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy
For Respondents: Mr.E.Raja, APP

ORDER

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

The petitioner is the mother of the detenu seeking to challenge the detention order dated 29.03.2017.

2 It appears that there is no other adverse case against

the detenu except the ground case. The detenu's bail application was dismissed by the Court of Principal Sessions Judge, Chennai, in CrI.MP.No.3984/2017, against which, a further bail application has been filed before this Court, which is pending consideration in CrI.OP.No.5120/2017. Thus, the Detention order was passed on the basis that there is imminent possibility of the detenu coming out on bail.

3 As rightly submitted, by the learned counsel for the petitioner, for the similar order passed, reliance has been made on the order granted by the Court of Sessions in CrI.MP.No.17395/2014. It is to be noted that the said order cannot be quoted for a bail application which has to be decided by the High Court as it has got no precedential value. Secondly, that the said order was passed much prior to the dismissal of the bail application by the Court of Sessions in Cr.No.221/2017, which is the ground case.

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

5 Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 29.03.2017 passed by the 2nd respondent is hereby set aside and the detenu is directed to be released forthcoming unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

सत्यमेव जयते

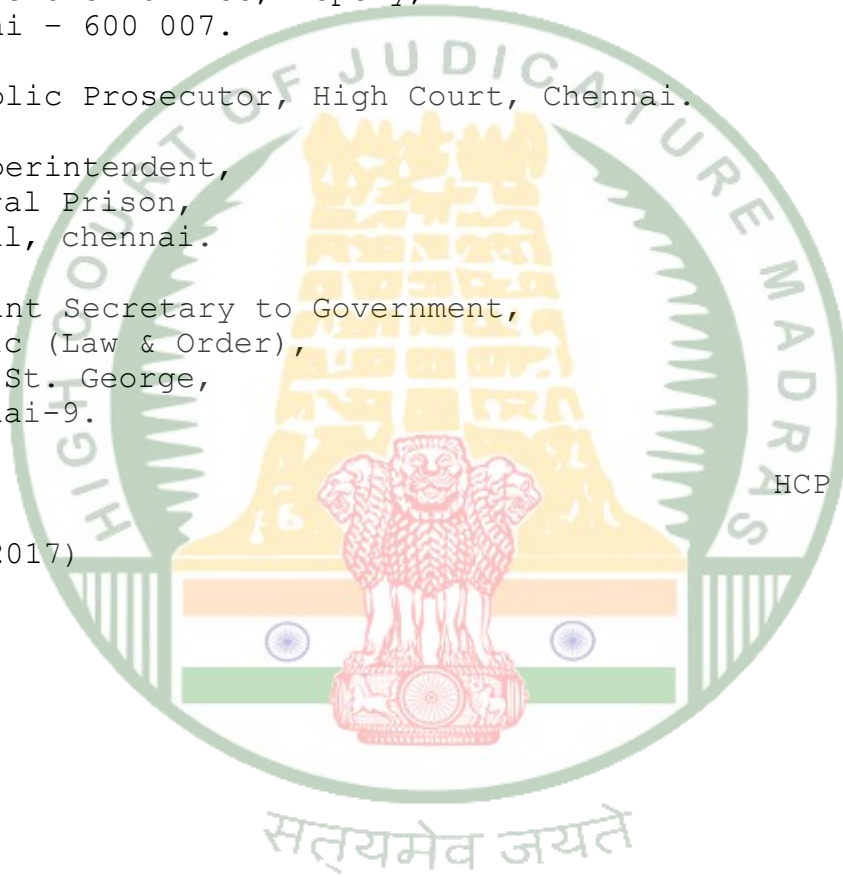
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To

1. The Secretary to Government,
State of Tamil Nadu,
Department of prohibition and excise (Home),
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Chennai city police,
Commissioner Office, Vepery,
Chennai - 600 007.
3. The Public Prosecutor, High Court, Chennai.
4. The Superintendent,
Central Prison,
Puzhal, Chennai.
5. The Joint Secretary to Government,
Public (Law & Order),
Fort St. George,
Chennai-9.

VD(CO)
RS(09/06/2017)

HCP No.531/2017



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