

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.601 of 2017

Natanamurthy ... Petitioner /Father of detenu

v.

1. The Principal Secretary to Government,
Home Prohibition and excise department,
Secretariat
Chennai -600 009

2. The District Collector & District Magistrate
Salem ... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus calling for the records pertaining to the order of detention passed by the second respondent in C.M.P.No.13/Cyber Law Offender/C2/2017, dated 24.02.2017 and set aside the same, direct to produce the detenu Mr.N.Jagatheeswaran, S/o.Natanamurthy, Aged about 32 years and presently detained in Central Prison at Salem, before this court and set him at liberty.

For Petitioner : Mr.R.Karthikeyan

For Respondents: Mr.E.Raja
Addl. Public Prosecutor

ORDER

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

Challenging the order dated 24.02.2017 passed by the 2nd respondent, the father of the detenu, has filed this Habeas Corpus Petition.

2. The learned counsel appearing for the petitioner would submit that the statement given by one of the witnesses shows the signature of the Investigation Officer along with the date as 14.02.2017, which has been relied upon by the detaining authority and thus, there is non application of mind. Further it is submitted that the bail applications were dismissed on 02.02.2017, 07.02.2017 and 09.02.2017 and therefore, the reason assigned by the detaining authority that there is real possibility of the detenu coming out on bail cannot be sustained.

3. The learned Additional Public Prosecutor would submit that considering the nature of allegation, no interference is called for and there is application of mind on the part of the detaining authority, who took note of the relevant materials.

4. On a perusal of the detention order, we find that on three occasions, the bail applications were dismissed. The detaining authority, merely observed that in view of the dismissal of the bail applications, there is real possibility of the detenu coming out on bail. Such a reasoning cannot be sustained in the eye of law, in the absence of sufficient materials.

5. Accordingly, the habeas corpus petition is allowed and the detention order dated 24.02.2017, 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.

Sd/-

Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Principal Secretary to Governments,
Home Prohibition and excise department,
Secretariat,
Chennai - 600 009.

2. The District Collector & District Magistrate,
Salem.

3. The Superintendent,
Central Prison,
Salem.

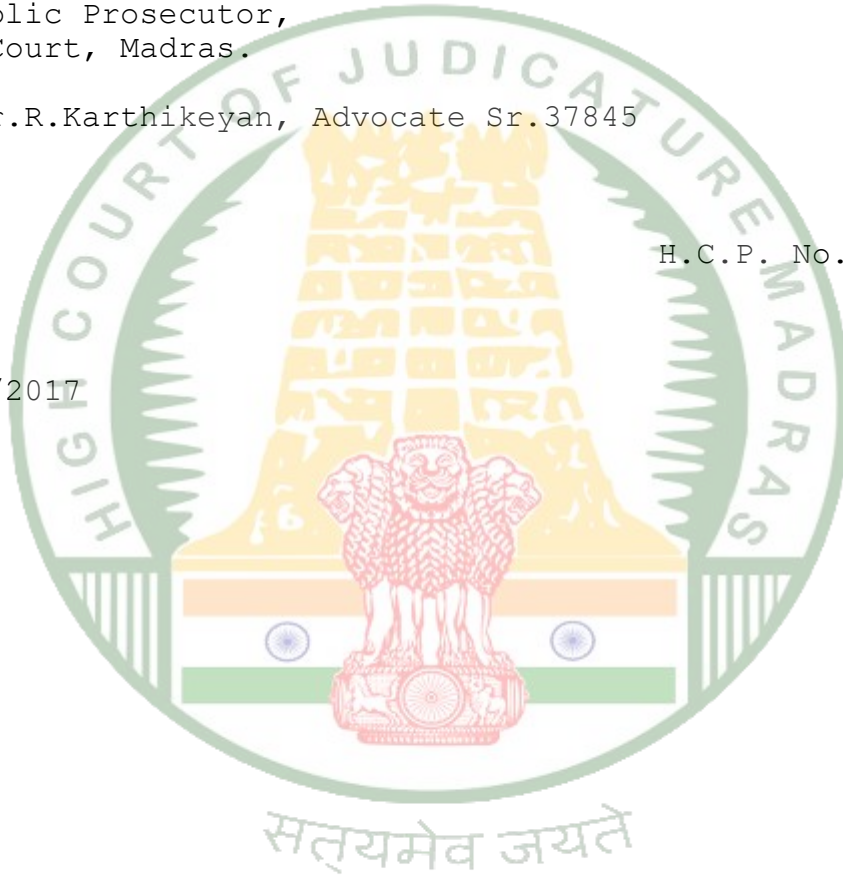
4. The Joint Secretary to Government,
Public(Law & Order) Department,
Fort Saint George, Chennai - 9.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Karthikeyan, Advocate Sr.37845

H.C.P. No.601 Of 2017

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srg 30/05/2017



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