

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

H.C.P No.646 of 2017

Manivannan @ Suresh

... Petitioner/Detenu

Vs

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. District Collector & District Magistrate,
Salem District,
Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus call for the records in connection with the order of Detention passed by the second respondent dated 25.10.2016 in C.M.P.41/GOONDA/C2/2016 against the petitioner Manivannan @ Suresh, male aged 25 years, S/o.Sithaiyan, who is confined at Central Prison, Salem, and set aside the same and direct the respondents to produce the detenu before this Court and set him at Liberty.

For Petitioner : Mr.S.Sakthivel

For Respondents : Mr.E.Raja
Additional Public Prosecutor

ORDER

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

The detention order dated 25.10.2016, passed by the second respondent, is sought to be challenged on the sole ground that the bail application having been dismissed as early as on 20.10.2016.

2. The learned counsel appearing for the petitioner would submit that the detention order passed, placing reliance upon a similar order granted on 19.11.2012, cannot be sustained.

3. We find force in the submission made by the learned counsel appearing for the petitioner. Reliance has been made on the order passed by this court in CrI.O.P.No.25955 of 2012, dated 19.11.2012. It is only thereafter, the bail applications were dismissed on two occasions i.e. 29.09.2016 and 20.10.2016. There is also no bail application pending on the date of passing of the detention order. Thus, there appears to be non-application of mind.

4. Accordingly, the habeas corpus petition is allowed and the detention order dated 25.10.2016, 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.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

Rj/KP

To

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The District Collector & District Magistrate,
Salem District, Salem.
3. The Superintendent,
Central Prison,
Salem.
4. The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
5. The Public Prosecutor
High Court, Madras.

HCP.No.646 of 2017

NMI (CO)
CA(05/06/2017)