

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.1838 of 2016

Anjalai

...Petitioner

Vs

1. State of Tamil Nadu rep by
The Principal Secretary to Government, Home,
Prohibition and Excise Department,
Fort St. George, Chennai-600 009
2. The Commissioner of Police,
Greater Chennai.
Vepery, Chennai - 600 007
3. The Director General of Police,
Tamil Nadu, Chennai - 4
4. The Superintendent of Central Prison,
Puzhal, Chennai - 66
5. The Inspector of Police (L&O),
K-3, Aminjikarai Police Station,
Chennai

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ, order or Direction in the nature of a Writ of Habeas Corpus to call for the records in Detention Order No.596/BCDFGISSSV/2016 dated 25.06.2016 on the file of the second respondent herein, set aside the same and direct the respondent to produce the person and body of Ajith @ Ajithkumar, aged about 25 years, S/o Ravi before this Court and set him at liberty.

For Petitioner : Mr.A.S. Selvaahraahj

For respondents: Mr.V.M.R. Rajendran
Addl. Public Prosecutor

ORDER

(Order of the Court was made by S. NAGAMUTHU, J.,)

The petitioner, who is the mother of the detenu Ajith @ Ajithkumar, has come up with this habeas corpus petition, challenging the detention order passed against her son Ajith @ Ajithkumar by the second respondent, vide proceedings No. 596/BCDFGISSSV/2016 dated 25.06.2016.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. The learned counsel for the petitioner would focus his argument mainly on the ground that though the detenu is stated to be involved in two adverse cases, there is no similar case particulars furnished in respect of the first adverse case. Thus, according to the learned counsel, the Detaining Authority had come to the conclusion that there were real possibility of the detenu coming out on bail in the first adverse case.

4. We find some force in the said argument. On perusal of the records, it would go to show that there is no material upon which, the detaining authority had come to the conclusion that there was real possibility of the detenu coming out on bail in the first adverse case.

5. In such view of the matter, as rightly contended by the learned counsel for the petitioner, serious prejudice would have been caused to the detenu in making effecting representation to the authorities against the order of detention .

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order dated 11.07.2016 passed by the second respondent is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr

To

1. The Principal Secretary to Government, Home,
State of Tamil Nadu,
Prohibition and Excise Department,
Fort St. George, Chennai-600 009
 2. The Commissioner of Police,
Greater Chennai.
Vepery, Chennai - 600 007
 3. The Director General of Police,
Tamil Nadu, Chennai - 4
 4. The Superintendent of Central Prison,
Puzhal, Chennai - 66
 5. The Inspector of Police (L&O),
K-3, Aminjikarai Police Station,
Chennai
 6. The Joint Secretary to Government,
Public Law and Order,
Fort St. George, Chennai-9.
 7. The Public Prosecutor,
High Court, Chennai
- +2cc to Mr.Selvah raahj, Advocate, S.R.No.17091

HCP No.1838 of 2016

SSI(CO)
RS(05/04/2017)

सत्यमेव जयते

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