



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P. (MD) No.394 of 2017

V.Mari

... Petitioner

-VS-

The Inspector of Police
Kottar Police Station
Nagercoil
Kanyakumari District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondent to produce the body or person of the petitioner's husband K.Vedhamuthu, son of Kaliappan, aged 39 years, before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Veilkaniraju
for Mr.P.Saravanakumar

For Respondent : Mr.T.Mohan
Addl. Public Prosecutor

O R D E R

[Order of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.M.Veilkaniraju, learned counsel representing Mr.P.Saravanakumar, learned counsel on record for the petitioner and Mr.T.Mohan, learned Additional Public Prosecutor appearing for the respondent Police.

2. The petitioner has filed this habeas corpus petition seeking direction upon the respondent Police to trace her husband, namely, K.Vedhamuthu, aged about 39 years, who is said to have been in illegal detention, produce him before this Court and set him at liberty.



3. The respondent Police produced the detenu, Vedhamuthu, before this Court.

4. It is not in dispute that the petitioner's husband was arrested in connection with Crime No.60 of 2017, filed under Section 379 I.P.C., on the file of Nesamoni Nagar Police Station.

5. It appears that the detenu was granted bail in the said case and when he was complying with the bail conditions, he was picked up by the respondent Police and kept in illegal detention.

6. When we enquired the detenu, he stated that he was brutally beaten by the respondent Police under the guise of questioning for a theft case and he was beaten on the ground that his wife / petitioner has approached this Court and filed this habeas corpus petition.

7. If the detenu alleged to have committed any criminal offence, then the Police Authority are entitled to take action in accordance with law and they cannot detain the accused illegally without following due process of law.

8. Since the detenu / husband of the petitioner has now been released, while closing this habeas corpus petition, liberty is granted to the detenu to appear before the Court concerned and give statement with regard to his alleged illegal detention by the respondent Police.

9. The habeas corpus petition is closed accordingly.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To:

- 1.The Inspector of Police,
Kottar Police Station
Nagercoil, Kanyakumari District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.P.Kalaiyarasi Bharathi , Advocate in SR.No. 15958

JS/SV MMS/SAR4/04.04.2017/2P/4C