

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.1232 of 2018

Janaki
W/o.Balaraman

... Petitioner

-Vs-

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Collector & District Magistrate,
Cuddalore District,
Cuddalore.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 05.06.2018 in C3/D.O/32/2018 the petitioner's husband Balaraman, M/A 32, S/o.Krishnan, who is confined at Central Prison, Vellore and to set aside the same and consequently, direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.K.S.Kaviarasu
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

[Order of the Court was made by C.T.SELVAM, J]

Petitioner is the wife of the detenu Balaraman S/o.Krishnan, who has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under order of the second respondent passed in C3/D.O/32/2018 dated 05.06.2018.

2. The detenu came to adverse notice in Crime No.36/2018 on the file of Cuddalore Port Police Station, for offences u/s.147, 148, 294(b), 323, 324, 307 and 302 IPC. The alleged ground case

has been registered against the detenu in Crime No.209 of 2018 on the file of Reddichavadi Police Station for offences under sections 294(b), 506(ii) and 392 IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Amidst several grounds raised, learned counsel for petitioner submits that the detaining authority, while noticing that the detenu has been remanded to judicial custody in Crime No.209 of 2018, i.e. ground case and has not filed any bail application, had informed that in a similar case bail was granted and therefore, there was likelihood of his coming out on bail by filing bail application and if he comes out on bail, he will indulge in further activities which will be prejudicial to the maintenance of public order. In the absence of any material to support that the detenu or his relatives were taking steps to move bail application, the subjective satisfaction arrived at by the detaining authority is erroneous.

4. We have heard learned Additional Public Prosecutor on the above submissions and also perused the records.

5. Finding that the subjective satisfaction arrived by the detaining authority is erroneous and for the reasons put forth by learned counsel for the petitioner, this Court would allow the present petition.

Accordingly, the impugned detention order passed by the second respondent, detaining the detenu, namely, Balaraman S/o.Krishnan, made in C3/D.O/32/2018 dated 05.06.2018, is quashed and the Habeas Corpus Petition is allowed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

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2.The District Collector & District Magistrate,
Cuddalore District,
Cuddalore.

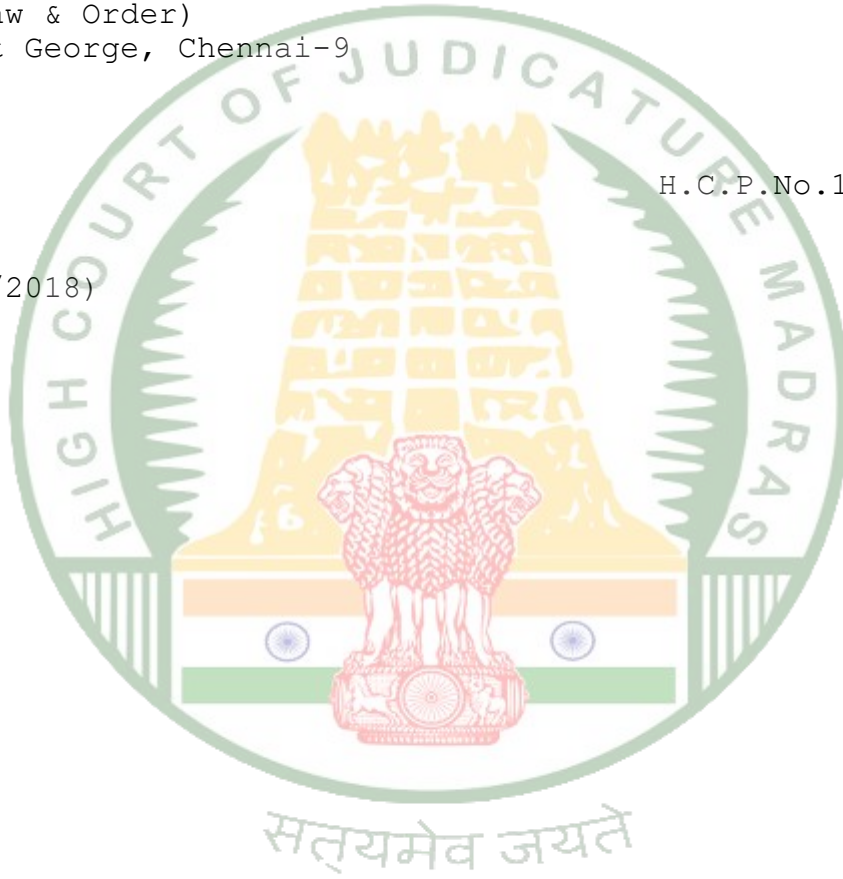
3.The Public Prosecutor,
High Court, Madras.

4.The Superintendent of Central Prison,
Vellore.

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

H.C.P.No.1232 of 2018

RSI (CO)
GSP (25/09/2018)



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