

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

CORAM:

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

H.C.P. No.1088 of 2018

Aravindraaj @ Tiger Aravind

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by The Secretary to Government,
Department of Home, Prohibition and Excise
Secretariat, Fort St. George, Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai-600 007.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records relating to the order of detention BCDFGISSSV.NO.337/2018 dated, 22/05/2018 passed by the 2nd respondent and to quash the same and also to direct the detenu Aravindraaj @ Tiger Aravind, M/A 25 years, S/O.Ramesh, who is presently detained in the Central Prison, Puzhal-II, Chennai to be produced before this Hon'ble court and set at liberty.

For Petitioner : Mr.A.Elumalai

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

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

The petitioner is the detenu, namely, Aravindraaj @ Tiger Aravind, son of Ramesh, age 25 years, challenges the impugned order of detention, dated 22.05.2018 in No.337/BCDFGISSSV/2018 detaining him as "GOONDA", as contemplated under Section 2(f) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest

Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. The detenu has come to adverse notice in the following case:-

S.No.	Cr.No. & Police Station	Offences
1.	Cr.No.1166/2017 P-3 Vyasarpadi Police Station	341, 294(b), 323, 307, 506 (ii) IPC
2.	Cr.No.1199/2017 P-3 Vyasarpadi Police Station	341, 294(b), 324 and 506 (ii) IPC
3.	Cr.No.136/2018 P-3 Vyasarpadi Police Station	341, 294(b), 324, 307 and 506(ii) IPC
4.	Cr.No.292/2018 P-3 Vyasarpadi Police Station	341, 294(b), 397 and 506 (ii) IPC

The ground case has been registered against the detenu in Crime No.350/2018 on the file of Inspector of Police, P-3 Vyasarpadi Police Station for offences u/s 147, 148, 341, 294(b), 336, 397, 506(ii) IPC r/w Sec.3 of TNPPDL Act 1992. The detention order has been passed by second respondent in No.337/BCDFGISSSV/2018 on 22.05.2018.

3. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

4. The Grounds of Detention would reveal that 4 adverse cases have been registered against the detenu and a ground case was registered against him in Cr.No.350/2018 for the offences u/s.147, 148, 341, 294(b), 336, 397, 506(ii) IPC r/w Sec.3 of TNPPDL Act 1992. Admittedly, the detenu has moved bail application in the ground case in Cr.M.P.No.7590/2018 before the learned XVI Additional Vacation Sessions Judge, Chennai and the bail was granted on 09.05.2018 and he is yet to offer sufficient sureties and he remains in Jail. Therefore, the impugned detention order is liable to be quashed.

5. It is brought to notice that the detenu stands transferred to Central Prison, Trichy.

6. In the result, the Habeas Corpus Petition is allowed and

the order of detention in No.337/BCDFGISSSV/2018 dated 22.05.2018, passed by the second respondent is set aside. The detenu, namely, Aravindraaj @ Tiger Aravind, son of Ramesh, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

kmi

To:

1. The Secretary to Government,
Prohibition and Excise Department, (Home)
Secretariat, Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai City, Vepery,
Chennai-600 007.
3. The Superintendent,
Central Prison, Puzhal II,
Chennai.
4. The Joint Secretary
Public (Law & Order) Department,
Secretariat, Chennai-600 009.
5. The Public Prosecutor
High Court, Madras.

H.C.P.No.1088 of 2018

RSK(CO)
GN(02/11/2018)

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