

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM

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

H.C.P.No.1484 of 2018

Manikandan @ Mani  
S/o.Raja

... Petitioner

-vs-

1.The Secretary to the Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 600009.

2.Commissioner of Police,  
Greater Chennai.

... Respondents

Writ petition under Article 226 of the Constitution of India filed praying for issuance of a Writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent on 22.05.2018 in Memo No.341/BCDFGISSSV/2018 the detenu Manikandan @ Mani S/o.Raja, Male aged 25 years, who is now confined at Central Prison, Puzhal II, Chennai 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.Senthilvel

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

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**ORDER**

(Order of the Court was made by C.T.SELVAM, J)

Petitioner, who is the detenu, has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under order of the second respondent passed in No.341/BCDFGISSSV/2018 dated 22.05.2018.

2. The detenu came to adverse notice in the following cases:

| Sl.No. | Police Station and Crime No.                          | Offences u/s.               |
|--------|-------------------------------------------------------|-----------------------------|
| 1.     | Maraimalai Nagar Police Station, Crime No.183/2015    | 395 IPC                     |
| 2.     | Maraimalai Nagar Police Station, Crime No.882/2017    | 147, 148, 341 and 302 IPC   |
| 3.     | S-14 Peerkankaranai Police Station, Crime No.278/2018 | 294(b), 332 and 506(ii) IPC |

The alleged ground case has been registered against the detenu in Crime No.280 of 2018 on the file of S-14 Peerkankaranai Police Station for offences u/s.341, 294(b), 323, 392, 397, 336, 427 and 506(ii) 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 is in remand in the third adverse case as well as in the ground case and the bail application moved in the ground case is pending and has not moved any bail application in the third adverse case i.e. Crime No.278 of 2018, he had informed that the

relatives of the detenu were taking efforts to move bail application to take him out on bail in the third adverse case and therefore, there was a real possibility of his coming out on bail and if he comes out on bail, he will indulge in further activities which will be prejudicial to the maintenance of public order. Though the detaining authority has informed of an effort by the relatives to move bail petition for the release of the detenu, there is no material to support such contention.

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

5. We find that there absolutely is no material which would disclose the likelihood of the relatives of the detenu moving bail petition on his behalf. Therefore, the non-application of mind and erroneous subjective satisfaction arrived at by the detaining authority is apparent.

Accordingly, the impugned detention order passed by the second respondent, detaining the detenu, namely, Manikandan @ Mani S/o.Raja, made in No.341/BCDFGISSSV/2018 dated 22.05.2018, is quashed and the Habeas Corpus Petition is allowed. The above named detenu is ordered to be set at

**C.T.SELVAM, J**  
**and**

**M.NIRMAL KUMAR, J**

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liberty forthwith, unless his custody is required in connection with any other case.

[C.T.S., J] [M.N.K., J]

24.10.2018

Index: Yes/No

Internet: Yes

gm

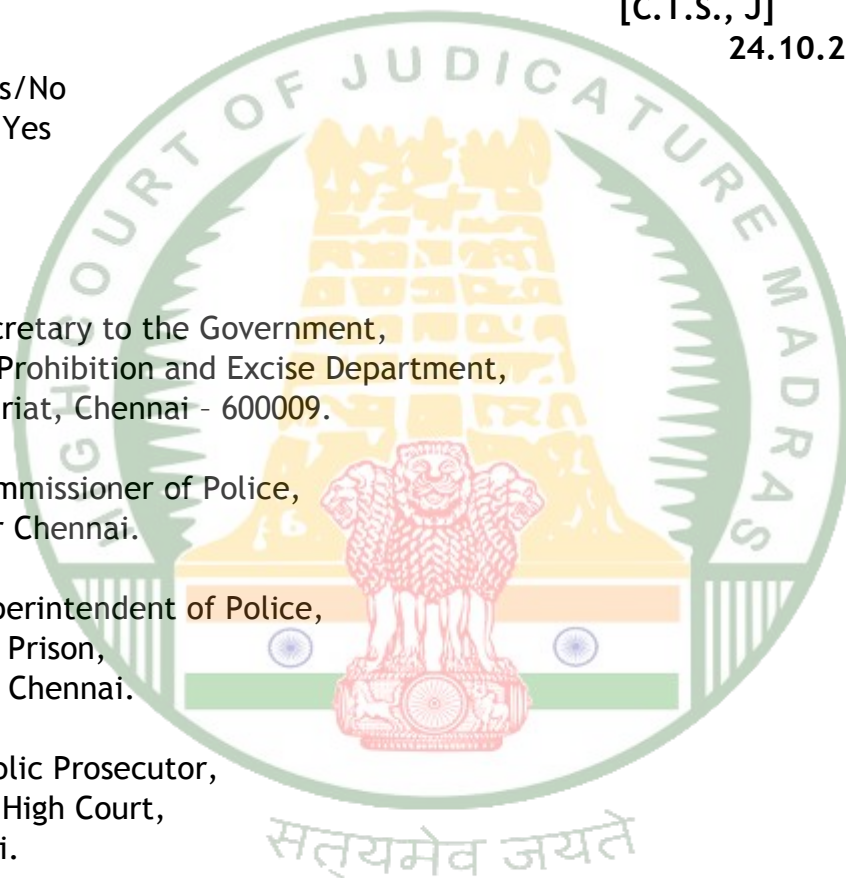
To

1.The Secretary to the Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 600009.

2.The Commissioner of Police,  
Greater Chennai.

3.The Superintendent of Police,  
Central Prison,  
Puzhal, Chennai.

4.The Public Prosecutor,  
Madras High Court,  
Chennai.



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