

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 23.07.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Habeas Corpus Petition No.476 of 2018

Kavitha .. Petitioner
/ Wife of the Detenu

- Vs -

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai. .. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus, calling for the records in connection with the detention order passed by the second respondent, dated 07.02.2018 in Memo No.60/BCDFGISSSV/2018 against the petitioner's husband, Karthick, male aged 28 years S/o.Natchathiram, who is confined at Central Prison, Puzhal-II, Chennai and to set aside the same and to direct the respondents to produce the detenu before this Court and to set him at liberty.

For Petitioner : Mr.K.Shanumugam

For Respondents: Mr. R.Prathap Kumar, APP

सत्यमेव जयते

ORDER

(DELIVERED BY DR. S.VIMALA, J.)

This habeas corpus petition has been filed by the petitioner seeking a direction to the respondents to release the detenu, Karthick by quashing the detention passed by the second respondent by the order dated 07.02.2018.

2.Heard both sides.

3.A perusal of the detention order dated 07.02.2018, would go to show that the detaining authority has mentioned that there is a real possibility of the detenu coming out on bail in the

case registered before P-3, Vyasarpadi Police Station in Crime Nos.1478 and 1522 of 2017 and 14 of 2018, by filing the bail applications.

4.The fact remains that, admittedly, no bail application has been filed so far against the said Crime Numbers by the detenu. However, the detaining authority has stated that there is a possibility of the accused coming out on bail.

5. Needles to point out that each case is unique and the case of the detenu would be considered only with reference to the facts and circumstances of that particular case. Therefore, the subjective satisfaction arrived at by the detaining authority is not valid, since the same is not supported by any material on record. Thus, the detention order passed by the second respondent is quashed. The habeas corpus petition is allowed. The detenu, Karthick, S/o.Natchathiram, aged 28 years, is ordered to be set at liberty forthwith, unless his custody is otherwise required in any other case.

s/d-
Assistant Registrar (CS-V)
True Copy
Sub-Assistant Registrar

ia/srk
To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
 - 2.The Commissioner of Police,
Greater Chennai.
 - 3.The Superintendent of Prison,
Central Prison, Puzhal-II,
Chennai.
 - 4.The Public Prosecutor,
Madras High Court,
Chennai - 104.
 5. The Joint Secretary to Government
Public (Law and order)
Fort. ST. George
Chennai 9.
- +1 CC to Mr.K. Shanmugam, Advocate s 48823.

H.C.P. No.476 of 2018

SP(14/08/2018)