

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.2680 of 2018

Meenatchi

W/o.Kadir@Kadirvel

...

Petitioner

-Vs-

1.State of Tamilnadu rep. by its
Principal Secretary,
Department of Home, Prohibition
and Excise, Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Salem City.

3.The State rep by
The Inspector of Police,
Kitchipalayam Police Station,
Salem.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records in C.M.P.No.21/GOONDA/Salem City/2018 dated 24.04.2018 on the file of the second respondent and quash the detention order as illegal and direct the respondents to produce the detenue Kadir @ Kadirvelu, son of Rathinam, aged about 39 years, detenue now confined at Central Prison, Salem and set him at liberty.

For Petitioner : Mr.C.Pavendhan

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

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O R D E R

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

Petitioner is the wife of the detenu Kadir @ Kadirvelu S/o.Rathinam who has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in C.M.P.No.21/Goonda/Salem City/2018 dated 24.04.2018.

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

Sl.No	Police Station and Crime No.	Offences u/s.
1.	Shevapet PS Cr.No.27/2018 Date of occurrence 10.01.2018	394 IPC
2.	Kitchipalayam PS Cr.No.195/2018 Date of occurrence 19.03.2018	379 IPC
3.	Kitchipalayam PS Cr.No.197/2018 Date of occurrence 23.03.2018	379 IPC

The alleged ground case has been registered against the detenu in Crime No.201/2018 for offences u/s.341, 392, 397, 506(ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents. Perused the materials on record.

4. The detaining authority while noticing that the detenu is in remand in 2nd and 3rd adverse cases as also in the ground case and has not moved any bail application in such cases has informed that the relatives of detenu were taking steps to move bail application in such cases and hence, there is real possibility of his coming out on bail by filing bail application since in similar case bail has been granted 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. For the said reason, the order under challenge would have to fall.

Accordingly, the impugned detention order passed by second respondent, detaining the detenu, namely, Kadir @ Kadirvelu S/o.Rathinam, made in C.M.P.No.21/Goonda/Salem City/2018 dated 24.04.2018, 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(CS-)

//True Copy//

Sub Assistant Registrar

gm/rst

To

1.The Principal Secretary,
The State of Tamilnadu
Department of Home, Prohibition
and Excise, Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Salem City.

3.The State rep by
The Inspector of Police,
Kitchipalayam Police Station,
Salem.

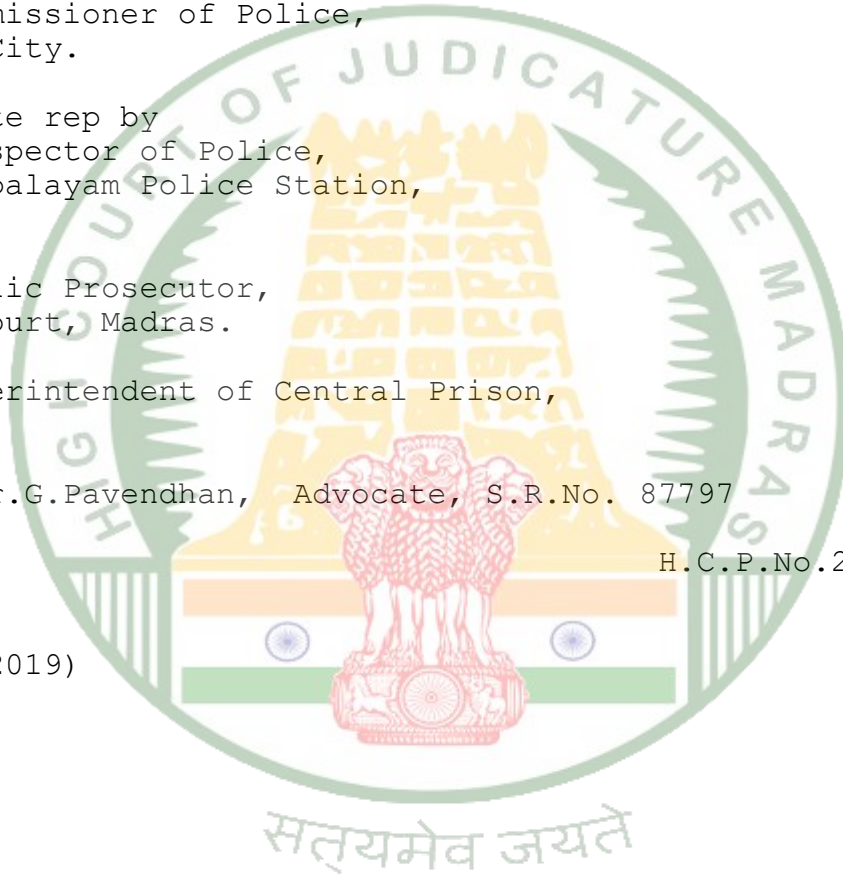
4.The Public Prosecutor,
High Court, Madras.

5.The Superintendent of Central Prison,
Salem

+1cc to Mr.G.Pavendhan, Advocate, S.R.No. 87797

H.C.P.No.2680 of 2018

GN(22/01/2019)



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