

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE Ms. JUSTICE P.T.ASHA

HCP No. 3000 of 2018

Jasmine ..Petitioner

Vs

1.The State

rep. by the Superintendent of Prisons
Central Prison, Puzhal
Chennai-600 066

2.The Deputy Commissioner of Police

Ambattur Range
Ambattur, Chennai-600 053

3.The Inspector of Police

Mangadu Police Station
Chennai-600 122

..Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to direct the first respondent herein to produce the detenu before this court namely M.Sam @ Samson, son of Moorthy Jacob, aged about 31 years, the husband of the Petitioner and set him at liberty and pass such further orders.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.C.Raghavan,
Government Advocate (Criminal Side)

ORDER

(Order of the Court was made by S.Vaidyanathan,J)

This Habeas Corpus Petition has been filed to direct the first respondent herein to produce the detenu namely M.Sam @ Samson, son of Moorthy Jacob, aged about 31 years, the husband of the Petitioner before this court and set him at liberty.

2. The Petitioner herein is the wife of the detenu namely M.Sam @ Samson, son of Moorthy Jacob. It is stated that the detenu has been arrested on 15.12.2018 by the third respondent

in Crime No.1840/2018 for the alleged offences punishable under Sections 447, 379, 430 IPC and remanded to Judicial Custody by the learned Judicial Magistrate, Sriperumbudur, Kancheepuram. Subsequently, by order dated 24.12.2018, he was enlarged on bail. But, inspite of the receipt of bail bond, he was not released on bail by the first respondent. Further, it came to light that Proceedings under Section 107 Cr.P.C, has been initiated against the husband of the Petitioner.

3. Heard the learned counsel for the Petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

4. When the husband of the Petitioner has been granted bail in connection with case in Crime No.1840/2018, he cannot be detained in jail, stating that yet another proceedings under Section 107 Cr.P.C., has been initiated against him. Therefore, the detenu has to be released forthwith. Accordingly, we direct the first respondent to release the detenu viz., Samson, son of Moorthy, forthwith, unless his presence is required in connection with any other case.

5. The Habeas Corpus Petition is disposed of on the above terms.

6. For reporting compliance post on 31.12.2018.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

nvsri/ssm

To

1. The Judicial Magistrate, Sriperampdur, Kancheepuram
2. - do - Through The Chief Judicial Magistrate, Kancheepuram.
3. The Superintendent of Prison, Central Prison, Puzhal.
4. The Deputy Commissioner of Police,
Ambattur Range, Ambattur, Chennai-600 053
5. The Inspector of Police, Mangadu Police Station
Chennai-600 122

6. The Joint Secretary to Government,
Public (Law & order), Fort.St.George, Chennai-9.

Copy To: The Public Prosecutor, High Court, Madras.

HCP No. 3000 of 2018

VGI (CO)
GMY (23/01/2019)



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