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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

AND

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

H.C.P(MD) No.93 of 2018

Jawahar

... Petitioner

-vs-

1. The Commissioner of Police,
Trichy City, Trichy.

2. The Inspector of Police,
Edumalaipattipudhur Police Station,
Edumalaipattipudhur,
Trichy District.

3. Kanthal

4. Soosairaj

... Respondents

(R3 & R4 impleaded as per order of this Court dated 28.02.2018)

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents to produce the person (or) body of the petitioner's aunty, namely, Anjalai, aged about 70 years, W/o.Egambaram before this Honourable Court set her at liberty.

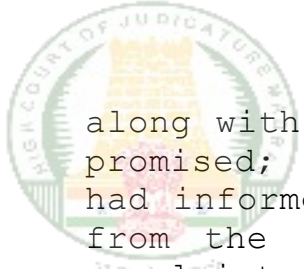
For Petitioner	: Mr.B.Santhanam Rajeskumar
For R1 & R2	: Mr.K.Dinesh Babu
	Addl. Public Prosecutor
For R3 & R4	: Mr.M.Murugesan

O R D E R

[Order of the Court was made by S.VIMALA, J]

The petitioner has filed this petition, seeking direction to the respondents to produce his aunty / detenu, namely, Anjalai, W/o.Egambaram, aged about 70 years before this Court and set her at liberty.

2. It is alleged that the petitioner's father's brother is one Egambaram and the detenu is the wife of Egambaram; that Egambaram died on 23.09.2017 and till such time, both Egambaram and the detenu were residing along with them; that later, on 30.10.2017, Kanthal and Soosairaj / R3 & R4 herein took the detenu



along with them and they did not send her back within two days as promised; that when the detenu was contacted on 25.11.2017, she had informed that she is in danger and that she must be taken out from the custody of R3 & R4; that in respect of the same, a complaint has been preferred on 28.11.2017 and CSR No.14 of 2018 dated 16.01.2018 has also been assigned by E.Pudur Police. Since there was no progress in the enquiry thereafter, the petitioner has filed this petition.

3. The learned Additional Public Prosecutor has produced the detenu through the respondent police and the said detenu is accompanied by one Thilaka. The petitioner as well as R3 & R4 are present before this Court.

4. On enquiry with the detenu, she has stated that she has not been kept under illegal custody by anyone and there was no torture meted out by her on account of any quarrel. She has further stated that she has been staying peacefully with one Thilaka, who is her adopted daughter and was brought up and was given marriage only by the detenu and therefore, she has decided to spend her remaining days with her.

5. At this juncture, the petitioner has intervened and submitted that he apprehends that there may be some threat and danger to the life of the detenu on account of property issue. In reply, Thilaka has assured this Court that she is ready to look after the detenu with due care and will provide good accommodation and food so as to ensure her comfort in her house, apart from ensuring her safety and security.

6. Considering the fact that the detenu has neither expressed her intention to go with the petitioner nor to go with R3 & R4, but is desirous to accompany her Adopted Daughter Thilaka and also recording the undertaking given by the said Thilaka, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Commissioner of Police,
Trichy City, Trichy.

2. The Inspector of Police,
Edumalaipattipudhur Police Station,
Edumalaipattipudhur,
Trichy District.



3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

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