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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.08.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.(MD) No.526 of 2018

Shanthi

... Petitioner

vs.

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents 1 & 2 herein to produce the body or person of the detenu by name R.Rajaselvi D/o. Rajasekar aged about 17 years and produce her before this Court and hand over her to the petitioner.

For Petitioner	: Mr.K.A.Raamakrishnan
For Respondents	: Mr.K.Dinesh Babu
	Additional Public Prosecutor

O R D E R

[Order of the Court was made by **M.M.SUNDRESH, J.**]

The petitioner is the mother of the detenu. It appears that the detenu has eloped with one Vethamuthu. At the time of elopement, the detenu was short of one month to attain majority. Immediately after attaining majority, they got married with each other. Now a case has been registered against the said Vethamuthu. He has been arrested and thereafter in judicial custody.

2.The detenu has informed us that being a major she is not ready and willing to go with the petitioner. The petitioner and her husband have also left it to the discretion of the detenu. When enquired, the detenu has informed that she is residing at a Home and she would continue to be there till her husband is enlarged on bail.



3. We may note Section 49 of the Juvenile Justice (Care and Protection of Children) Act, 2015, which speaks about the place of safety to be set up by the Government. This place is also meant for someone who crossed the age of 18. Thus, the detenu comes under this category as she herself wants to stay there.

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4. We accordingly, permit her to stay in the Home in which she is put up as of now. After enlargement of bail of her husband, she can take her own decision.

5. This petition is closed accordingly. We pass this order, as under the said Act, the detenu has to be construed as a victim.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Thoothukudi District.
2. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.A.Raamakrishnan, Advocate SR.No.78994

Mj

MK/SKN/SAR 2/31.08.2018/2P/5C

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