



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

AND

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

H.C.P.[MD].No.574 of 2018

and Cr1.M.P.(MD) No.5080 of 2018

Thowlat Ali

: Petitioner

Vs.

1. State Represented by
The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram.

2. The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.

3.Kudhupdeen

4.Raja

5. K.Silaimani
Sub Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.

: Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the first and second respondents to produce the body or person of the petitioner's son, namely, T.Sadiq Ali, S/o. Thowlat Ali, aged about 39 years before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.M.A.Jinnah

For R-1 and R-2 : Mr.S.Chandrasekar

Additional Public Prosecutor

For R-5 : Mrs.S.Prabha

O R D E R

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

The petitioner is the father of the detainee. The detainee T.Sadiq Ali, aged about 39 years has been produced before this Court and on 20.04.2018 this Court was pleased to pass the following order:



produced the detenu namely T.Sadiq Ali, S/o.Thowlat Ali, aged about 39 years, before this court.

2.The detenu was enquired by this court and at the time of enquiry, the detenu has stated that he was kidnapped by the respondents 3 and 4 and he was detained by some unidentified persons and that he has also lodged a complaint with the Inspector of Police, Thondi Police Station. The detenu is also accompanied by his father Thowlat Ali, who is the petitioner in the above petition. Since the petitioner is a major and aged about 39 years, we set him at liberty.

3.Since the learned Additional Government Pleader submitted that the detenu has not given a complaint to any of the police station sofar, such contention is disputed by the learned counsel for the petitioner. Hence, we direct the Inspector of Police, Thondi Police Station and also the Inspector of Police, S.P.Pattinam Police Station, Ramanathapuram District to file a report in this matter."

2. By order dated 26.04.2018, this Court was pleased to direct as follows:

We direct the said Medical Officer to examine the injuries on the body of the detenu and informs his opinion as to the age thereof. Such opinion of the Medical Officer may be handed over to petitioner in a sealed cover, who shall produce the same before this Court on 28.04.2018. A copy of the report may also be handed over to the second respondent

3. Pursuant to the order dated 26.04.2018, the Dean, Madurai Rajaji Government Hospital has furnished a report to the following effect:

Radiological age of fracture is less than 3 weeks (21 days) (No callus). However soft tissue age not be assessed by x-ray.

4. Subsequently, we thought it appropriate to cause verification of call records towards any link can be established between the telephone calls received by the petitioner/father and the alleged abductors or other police officials.

5. The learned Additional Public Prosecutor submits that on <https://hcservices.hcma.gov.in/HCServices> the detenu a case has been registered in Crime No. 41 of 2018 on 22.04.2018 for offences under Sections 363, 343, 324 IPC on the file of Thondi Police Station. It is brought to



notice of this Court that subsequently, the accused surrendered before the learned Judicial Magistrate and obtained bail.

6. It is the contention of the learned counsel for the petitioner that despite the detainee having suffered fracture, the police has registered a case for bailable offences thereby enabling release on bail. It is his further contention that right through the episode the respondent police is hand in glove with the abductors.

7. The learned Additional Public Prosecutor as also the learned counsel for the petitioner submitted that the petitioner and his son are engaged in unnecessary harassment.

8. In the aforesaid circumstances, we think it appropriate to require investigation in Crime No. 41 of 2018 by the Superintendent of Police, Ramanathapuram District.

9. In the result, the Habeas Corpus Petition is closed. Consequently, connected CrI.M.P.(MD) No.5080 of 2018 is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram.
 2. The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
 3. The Inspector of police,
Thondi Police Station.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1cc to Mr.S.M.A.Jinnah, Advocate SR.No.76675
+1cc to Mr.V.Panner Selvam, Advocate SR.No.76684
CM
MK/KAK/SAR 4/16.08.2018/3P/7C