



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.07.2018
CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM
and
THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P.(MD)No.690 of 2018

Anumanthiram ... Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort, St.George, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli. ... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in M.H.S.Confdl No.38/2018, dated 02.05.2018 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely Anumanthiram, aged about 60 years, S/o.Thangavel Asari, now detained at Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.V.Neelakandan, APP

ORDER

(Order of the Court was made by C.T.SELVAM,J.)

The petitioner is the detenu - Anumanthiram,S/o.Thangavel Asari, aged about 60 years. The detenu has been detained by the second respondent by the impugned Detention Order in M.H.S.Confdl No.38/2018, dated 02.05.2018, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of Tamil Nadu Act 14 of 1982.

2.Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for petitioner would mainly focus his argument on the ground that when no bail application is pending on the date of passing detention order, the Detaining Authority,



while arriving at subjective satisfaction, has stated that there is real possibility for detenu coming out on bail in future by filing bail application, which, according to the learned counsel for the petitioner, shows total non-application of mind on the part of the Detaining Authority, which vitiates the order of detention.

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3. We have considered the above submissions.

4. An identical issue was considered by a Division Bench of this Court in T.Chitra Vs. State of Tamil Nadu, reported in 2014 (2) MLJ Cr1 72 and the order of detention was set aside on the ground of non-application of mind. Hence, following the said order, the Detention Order, passed by the second respondent, in his proceedings in Detention Order in M.H.S.Confdl No.38/2018, dated 02.05.2018, is quashed. The detenu, namely, Anumanthiram, son of Thangavel Asari, is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case.

5. In the result, we allow the Habeas Corpus Petition.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-II)

To

- 1.ThePrincipal Secretary to Government,
Home, Prohibition and Excise Department,
Fort, St.George, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.
- 4.The Joint Secretary to Government,
Public (Law and Order),
Fort.St.George,
Chennai - 9.
- 5.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.690 of 2018
03.07.2018

nbj

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