



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.07.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **C.T.SELVAM**
AND
THE HONOURABLE MR.JUSTICE **A.M.BASHEER AHAMED**

H.C.P(MD)No.948 of 2018

Selvakumar

: Petitioner

Vs.

1. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort.St.George, Secretariat,
Chennai - 600 009.
 2. The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Virudhunagar District, Virudhunagar.
 3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records, connected with the detention order of the second respondent in Cr.M.P.No.09/2018, dated 27.06.2018 and quash the same and direct the respondents to produce the body or person of the detenu, by name, Selvakumar, son of Lakshmanan, aged about 30 years detained at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor.

O R D E R

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

<https://hcservices.ecourts.gov.in/hcservices/>
The petitioner is the detenu - Selvakumar, son of
Lakshmanan, aged about 30 years. The detenu has been detained by



3. The order of detention reflects a most blatant attempt to scuttle the grant of bail by this Court to the detenu and defeat the order passed by this Court. The detention order dated 27.06.2018 informs that the detenu has been granted bail on the very same date under orders in CrI.O.P.(MD).No.9959 of 2018, on 27.06.2018 and thereafter proceeds to state that the detenu has not produced sureties, as ordered by this Court.

4. We fail to understand how the Detaining Authority can insist that the detenu to produce the sureties on the very date of the order of bail granted by this Court and how not doing so can be stated as a reason informing likelihood of the detenu being released on bail and therefore, the need for his detention.

5. The Detaining Authority is warned that his approach, besides being unjust, can very well be seen as contempt of Court. However, for the present, this Court would not make an issue of it, but, the Detaining Authority as also the Sponsoring Authority would, in future, act with due diligence and respect to the orders of this Court.

6. For the foregoing reasons, the Habeas Corpus Petition shall stand allowed and the Detention Order, passed by the second respondent, in his proceedings in Cr.M.P.No.09/2018, dated 27.06.2018, is quashed. The detenu, namely, Selvakumar, son of Lakshmanan, aged about 30 years, is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case.

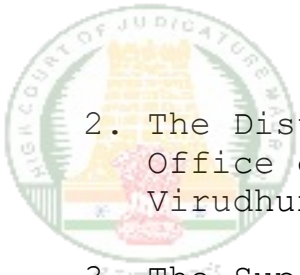
Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Services Courts, St. George, Secretariat,
Chennai - 600 009.



2. The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Virudhunagar District, Virudhunagar.

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

4. The joint Secretary to Government,
Public (Law & order),
Fort St. George, Chennai.

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

+ 1 cc TO Mr.R.Alagumani , Advocate in SR No. 71372

NB

AE/PN/SAR1/18.07.2018/3P/7C

ORDER MADE IN
H.C.P(MD)No.948 of 2018
Dated:05.07.2018