

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2796 of 2019

R.Manikandan

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
T-6, Avadi Police Station,
Chennai District.

.. Respondent

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to direct the respondent herein to produce R.Gayathri, wife of the petitioner Manikandan, aged about 24 years, before this Court and set her at liberty.

For petitioner : Ms.D.Nandhini

For respondents: Mr.R.Prathap Kumar, Addl.P.P.

ORDER

(The Order of the Court was made by R.Subbiah,J)

This Habeas Corpus Petition is filed praying for issuance of a Writ of Habeas Corpus to direct the respondent herein to produce R.Gayathri, wife of the petitioner Manikandan, aged about 24 years, before this Court and set her at liberty.

2. The petitioner is the husband of the detainee Gayathri. The marriage between the petitioner and the detainee took place on 17.05.2019 and she is now pregnant. On 20.11.2019, she was found missing. Hence, the petitioner lodged a complaint with the respondent-Police on 21.11.2019 and it was registered and CSR had been issued in C.S.R.No.1894 of 2019. Since she was not secured, the petitioner has filed the present Habeas Corpus Petition for the relief stated supra.

3. Today, when the matter is taken up for hearing, the detainee is produced. We have enquired her. She stated that

prior to her marriage with the petitioner, she was in love affair with another person. Previously, he was working in Chennai and now he is in Orissa. Since he is in Orissa, the detinue went to Orissa to meet him and stayed along with him for 20 days, from where, the Police has secured her. She has also expressed her unwillingness to go along with her husband (petitioner). The Police had stated that presently, she is staying in Madras Christian Council of Social Service (MCCSS Home), No.21, 6th Main Road, Jawahar Nagar, Chennai-600 082 (opposite to K.5 Peravllur Police Station) (Phone No.044-26700744; Mobile: 91768 71141). Since the detinue is pregnant, the said Home is directed to permit her to stay till she delivers child. The said Home is also directed to permit the petitioner and the parents of the detinue to visit the detinue frequently till she delivers child.

4. With the above observations and directions, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
T-6, Avadi Police Station,
Chennai District.
2. The Public Prosecutor,
High Court, Madras.
3. Madras Christian Council of Social Service
(MCCSS Home),
No.21, 6th Main Road, Jawahar Nagar,
Chennai-600 082
(opposite to K.5 Peravllur Police Station)
(Phone No.044-26700744; Mobile: 91768 71141).

+1cc to M/s.G.Mageshkumar, Advocate sr.105054

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