



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fifth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice V.PARTHIBAN

CRL MP(MD) No.6153 of 2019
in
CRL.R.C(MD)NO.375 of 2019

CHANDRALEGA ... PETITIONER/PETITIONER
Vs

1 THE SUB-INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT

2.THE SUB DIVISIONAL EXECUTIVE MAGISTRATE,
AND SUB COLLECTOR,
PALANI, DINDIGUL DISTRICT. ... RESPONDENTS/RESPONDENTS

(R2 impleaded as per the order of this Honourable Court made in
Crl.MP(MD)No.6340/2019 in Crl.RC(MD)No.375/2019 dated 16.07.2019)

Petition praying that in the circumstances stated therein
and in the petition filed therewith the High Court will be pleased
to suspend the detention made in M.C.No.166/2019/ A7, dated
03.06.2019 on the file of the Palani Sub Divisional Executive
Magistrate and Sub Collector proceedings and enlarge the
petitioner's Husband/Detenué on the bail, pending disposal of the
above Crl.RC.

PRAYER IN CRL.R.C(MD)NO.375 of 2019

Pleased to set aside the order of the Palani Sub divisional
Executive Magistrate and Sub Collector proceedings in
M.C.No.166/2019/A7, dated 03.06.2019 and release the Detenué nemely
Madhan Kumar, S/o.Narayanasamy Naidu aged about 42 years detained in
Sub Jail, Palani.

Order : This petition coming on for orders upon perusing the
petition filed in support thereof and upon hearing the arguments of
M/S.N.ANANDAKUMAR, Advocate for the petitioner and of Mrs.M.Anantha
Devi, Government Advocate(Criminal side) on behalf of the
Respondents, the court made the following order:-



The revision petition is filed by the petitioner challenging the order passed by the Palani Sub Divisional Magistrate and Sub Collector in proceedings M.C. No.166/2019/2017/A7 dated 03.06.2019, detaining the petitioner.

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2. Learned counsel appearing for the petitioner submits that the detention order has been passed without following the guidelines laid down by this Court in the case of **P.Sathish @ Sathish Kumar - Vs - State (2019 (2) MLJ (Cr1.) 556)**. According to the learned counsel for the petitioner, the detenu was not informed about his right to engage a lawyer and also denied the opportunity of getting the report of the complaints against him.

3. This Court heard the learned Government Advocate (Cr1. Side) on the above contentions.

4. A perusal of the materials available on record clearly show that the contentions advanced by the learned counsel for the petitioner merits acceptance. In such view of the matter and also taking into consideration the fact that the revision is not likely to be taken up for hearing in the near future, this Court is of the considered view that this is a fit case to grant suspension of the order of detention.

5. Accordingly, the miscellaneous petition is allowed and the order of detention passed in M.C. No.166/2019/A7 dated 03.06.2019, on the file of the Palani Sub Divisional Executive Magistrate and Sub Collector, is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that the petitioner executes a bond for a sum of Rs.10,000/- along with two sureties, each for a likesum, to the satisfaction of the respondent/Police and on further condition that the petitioner shall appear before the respondent/Police at 10.30 a.m., on the first working day of every English calendar month until further orders.

sd/-
05/09/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SUB-INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT



2.THE SUB DIVISIONAL EXECUTIVE MAGISTRATE,
AND SUB COLLECTOR,
PALANI, DINDIGUL DISTRICT.

3.THE OFFICER INCHARGE,
SUB JAIL, PALANI.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1 CC to M/s.N.ANANDA KUMAR, Advocate(SR-14874[I] dated 05/09/2019)

ORDER

IN

CRL MP(MD) No.6153 of 2019

in

CRL.R.C(MD)NO.375 of 2019

Date :05/09/2019

GLN

ES/PN/SAR 3/12.09.2019/3P/6C