



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.1524 of 2018

Arun Kumar @ Arun

... Petitioner

-vs-

1.The Principal Secretary to Government
State of Tamil Nadu
Home, Prohibition and Excise Department
Fort St.George
Chennai-600 009

2.The District Magistrate and District Collector
Office of the District Magistrate and District Collector
Dindigul District
Dindigul

3.The Superintendent of Prison
Madurai Central Prison
Madurai District

... Respondents

PRAYER: 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 of the respondent No.2, in detention order No.90/2018, dated 11.10.2018 and quash the same and direct the respondents to produce the body or person of the detenu by name Arunkumar @ Arun, son of Chandran, aged about 23 years, now detained at madurai Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.M.Chandrasekaran
Additional Public Prosecutor

O R D E R

[Order of the Court was made by B.PUGALENDHI, J.]

The second respondent clamped an order of detention on 11.10.2018 as against Arunkumar @ Arun, son of Chandran, as the said Authority arrived at the subjective satisfaction that the said detenu is a 'Goonda' and he has to be detained under Section 3 (1) of Tamil Nadu Act 14 of 1982 with a view to prevent him from acting prejudicial to the interest of public health and public order.



2. Challenging the order of detention, the detenu has come forward with the present Habeas Corpus Petition.

3. Heard Mr.R.Alagumani, learned counsel appearing for the petitioner and Mr.M.Chandrasekaran, learned Additional Public Prosecutor appearing for the respondents.

4. It is the contention of the learned counsel for the petitioner that the co-accused in the case, along with the petitioner, were also detained under the Preventive Detention Laws and as against the said detention, the co-accused, namely, Ramesh Kumar @ Sullan Ramesh preferred H.C.P.(MD) No.1526 of 2018 and this Court, vide order dated 23.01.2019, allowed the said habeas corpus petition and quashed the order of detention on the grounds of non-application of mind on the part of the detaining authority as the authority has mechanically arrived at the subjective satisfaction that there is a likelihood of the detenu coming out on bail by relying upon the bail granted in a similar case registered in Crime No.602 of 2014, on the file of Dindigul Town North Police Station, for the offences under Sections 147, 148, 452, 302 and 506(II) I.P.C., and non-furnishing of the documents relied on as the detaining authority has not furnished the copy of bail application filed in that case. It is the submission of the learned counsel for the petitioner that the same grounds apply to the case of the petitioner herein also and therefore, the present petition has to be allowed.

5. A perusal of the materials available on record coupled with the order passed by this Court in regard to the co-accused in H.C.P.(MD) No.1526 of 2018 reveals that the same grounds apply to the present case also. Therefore, on this short ground, the impugned order of detention deserves to be quashed.

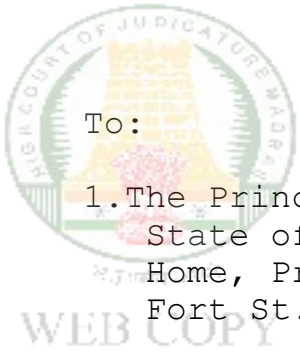
6. In the result, the Habeas Corpus Petition is allowed and the order of detention No.90/2018, dated 11.10.2018, passed by the second respondent, is set aside. The detenu, namely, Arunkumar @ Arun, son of Chandran, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)



To:

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Dindigul District, Dindigul.
- 3.The Superintendent of Prison,
Madurai Central Prison, Madurai District.
- 4.The Joint Secretary to Government,
Public (Law and Order),
Fort Saint George,
Chennai-09.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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