

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 10.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN**AND****THE HONOURABLE MR. JUSTICE B. PUGALENDHI****H.C.P(MD) No. 576 of 2019**

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Ponmani

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District.2. The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus to direct the respondents to produce the person or body of the petitioner's husband, namely, Asir Jebakumar, son of Paulthurai, age about 35 years, before this Court and set him at liberty.

For Petitioner : Mr. C. K. M. Appaji

For Respondents : Mr. K. Dinesh Babu
Additional Public Prosecutor

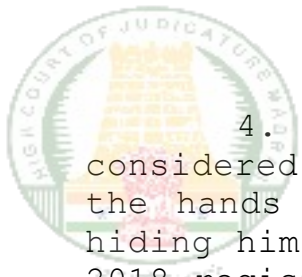
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ORDER(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner is the wife of the detenu, namely, Asir Jebakumar, aged about 35 years and alleging his illegal custody in the hands of the second respondent, came forward to file this Habeas Corpus Petition and it was entertained.

2. When the matter is listed today, the second respondent filed a counter affidavit, stating among other things, that the detenu was involved in the commission of a crime registered by Dharavi Police Station, Mumbai, in Cr.No.213 of 2018, under Section 354 I.P.C., read with Sections 8 and 12 of POCSO Act and he is absconding.

3. A copy of the communication dated 19.06.2019, received from the Senior Inspector of Police, Dharavi Police Station, Mumbai, Maharashtra, addressed to the second respondent has also been produced before this Court, wherein a request was made for the co-operation of the second respondent to find out the accused.



4. In the light of the said material, this Court is of the considered view that the detenu is not under illegal custody in the hands of the second respondent and appears to be voluntarily hiding himself apprehending arrest in connection with Cr.No.213 of 2018 registered by Dharavi Police Station, Mumbai. However, in the light of the request made by the Senior Inspector of Police, Dharavi Police Station, Mumbai, Maharashtra, the second respondent is also directed to extend maximum co-operation to the said official to trace the detenu, if he is available within the State and do the needful.

5. In fine, this Habeas Corpus Petition is dismissed subject to the above observations.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.

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

4.The Senior Inspector of Police,
Dharavi Police Station, 90 Feet Road,
Dharavi, Mumbai - 400 017, Maharashtra.

+1 CC to Mr.C.K.M.APPAJI, Advocate SR-74630.

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