



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

H.C.P. (MD) No.1328 of 2019

Masood Begum

: Petitioner/Mother of the Detenue

Vs

1.The State rep. by the Superintendent of Police,
O/o. the Superintendent of Police,
Tenkasi,
Tenkasi District.

2.The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

3.Mr.Adivel
The Inspector of Police,
Tenkasi Police Station,
Tenkasi
Tenkasi District.

4.Mr.Madhavan
The Sub Inspector of Police,
Tenkasi Police Station,
Tenkasi
Tenkasi District.

5.Mr.Majeed
SB Constable,
Puliyarai Police Station,
Tenkasi District.

: Respondents

Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Habeas Corpus, directing the respondents
to produce body or person of the petitioner's son namely Mohamed
Sheik, son of Anjad Ussain aged about 23 years before this Court and
set him at liberty.



For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.K.Dinesh Babu
Addl.Public Prosecutor

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O R D E R

[Order of the Court was made by **T.RAJA, J.**]

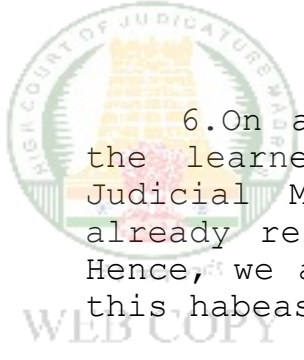
Mrs.Masood Begum, mother of the detenu namely, Mohamed Sheik, son of Amjad Ussain aged about 23 years, has come to this Court, seeking writ of habeas corpus to produce the body or person of her son before this Court and set him at liberty and pass any other suitable order.

2.Learned counsel appearing for the petitioner pleaded that the petitioner is having one son and one daughter and her daughter Nasrin Fathima is pursuing her Engineering studies in J.P.Engineering College in Aykudi. Her son Mohamed Sheik has completed B.B.A Course and studying first year Law course in Andhra District and for the past 4 months, he was staying at her relative's house in Chennai. Her daughter's betrothal was conducted on 30.11.2019. At that time, when her son/the detenu came to petitioner's home to attend his sister's betrothal, 15 Police personnels headed by the fourth respondent took him for enquiry. Thereafter, he was not let out. Subsequently, they have given a representation dated 12.12.2019 to the first respondent including higher officials. Finding no response, she has been advised to come to this Court.

3.While the matter stood thus, the petitioner was produced before the learned Judicial Magistrate, Tenkasi on 12.12.2019. But, at that time, he was threatened on the threat mounted on him, "if you spoke anything, you would face tire consequences." Hence, the petitioner has come to this Court.

4.Mr.K.Dinesh Babu, learned Additional Public Prosecutor, appearing for the respondents, produced before us a copy of the remand request given by the Sub Inspector of Police, Tenkasi Police Station/4th respondent before the Learned Judicial Magistrate, Tenkasi. The learned Principal District Munsif, Tenkasi and the learned Judicial Magistrate, Tenkasi, after taking note of the fact that the detenu involved in bailable offence under Section 435 I.P.C and also accepting his readiness to furnish sufficient sureties, ordered him to be released on bail on his executing his bond for Rs.5,000/- with two sureties to the like sum each. Therefore, the prayer in the habeas corpus petition has become infructuous.

5.We also see that the prayer sought for in the present habeas corpus petition is for issuance of a direction to the respondents to produce the body or person of petitioner's son viz., Mohamed Sheik, son of Amjad Ussain before this Court and set him at liberty.



6. On a perusal of the bail order dated, 12.12.2019 passed by the learned Principal District Munsif, Tenkasi and the learned Judicial Magistrate, Tenkasi, it is seen that the detenue was already released on bail with two sureties to the like sum each. Hence, we are of the view that nothing survives for adjudication in this habeas corpus petition.

7. Therefore, this habeas corpus petition is dismissed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Tenkasi,
Tenkasi District.

2. The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

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

+1 CC to M/s. S.M.A. JINNAH, Advocate (SR-105243[F] dated
17/12/2019)

Order made in
H.C.P. (MD) No. 1328 of 2019
Dated:- 16.12.2019

vs

SDS (20.01.2020) 3P-5C