



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)
Thursday, the Ninth day of January Two Thousand Twenty

PRESENT

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The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

WMP(MD) No.47 of 2020

IN

WP(MD) No.82 of 2020

VEERAAMMAL

... PETITIONER/ PETITIONER

Vs

1 THE SUB DIVISIONAL EXECUTIVE MAGISTRATE
AND REVENUE DIVISIONAL OFFICER,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, MADURAI.

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the detention imposed on the petitioners son Lekkusamy son of Late.Kesavan, aged about 27 years by the order of the 1st respondent in MC.No.407/2019 dated 05/12/2019 till the disposal of this petition.

Prayer in WP(MD). 82/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court call for records of the 1st respondent in MC.No.407/2019 dt 05/12/2019 passed under section 122(1)(b) of Criminal Procedure Code with regard to the petitioners son Lekkusamy son of late.Kesavan and quash the same as illegal and against law.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.B.SEKAR, Advocate for the petitioner and of MRS.S.BHARATHI, Government Advocate(Criminal side) for the Respondents, the court made the following order:-

This Writ Miscellaneous Petition is filed to suspend the detention imposed on the petitioner's son Lakkusamy S/o. Late. Kesavan, by the order of the first respondent in MC No. 407 of 2019,



2. The learned counsel appearing for the petitioner would submit that on the basis of a complaint given by the Sub-Inspector of Police attached with the second respondent police, a case has been registered in Crime No. 157 of 2019 against the petitioner's son for the offence under Section 110(e) of Cr.P.C. He would further submit that on the basis of the FIR, the first respondent had initiated a proceedings under Section 110 r/w 111 and 112 of Cr.P.C. and the petitioner's son was directed to execute a bond to maintain peace and security for a period of one year from the date on 26.09.2019.

3. He would further submit that on the basis of false allegations, the second respondent has registered another FIR against the petitioner's son in Crime No. 204 of 2019 for the offences under Section 8(c) and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and he was remanded into judicial custody from 25.11.2019 and while he was in judicial custody the second respondent has passed an impugned order without affording an opportunity to the petitioner's son as per the provisions contemplated under Chapter VIII of Cr.P.C. and also without following the suggestions made by this Court in various decisions and more particularly in the case reported in **(2019) 2 MWN (Cr1.) 136 P.Sathish @ Satishkumar Vs. State** had passed the impugned order under Section 122(1)(b) of Cr.P.C. in M.C. No. 407 of 2019, dated 05.12.2019 cancelling the bond which was executed by the petitioner's son and also directing the petitioner's son to be kept in judicial custody till the end of the period specified in the bond, i.e., till 24.11.2020. Hence, the instant Writ Miscellaneous Petition has been preferred by the petitioner seeking to suspend the detention.

4. This Writ Miscellaneous Petition is filed seeking for suspension of detention pending disposal of the Writ Petition.

5. Heard the learned Government Advocate (Cr1. side) appearing for the respondents and perused the material documents available on record.

6. This Court is of the considered view that there are arguable points involved in this Writ Petition. Further, the Writ Petition is not likely to be heard for final hearing in the near future. Therefore, the petitioner can be granted suspension of detention pending disposal of the appeal.

7. Accordingly, the Writ Miscellaneous Petition is allowed and suspended the detention of petitioner's son on him executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the first respondent/the Sub-Divisional Executive Magistrate and Revenue



further condition that the petitioner's son shall report before the second respondent police every Monday and Friday at 10.30 a.m., until further orders.

sd/-
09/01/2020

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/ /2020

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

TO

1 THE SUB DIVISIONAL EXECUTIVE MAGISTRATE
AND REVENUE DIVISIONAL OFFICER,
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2 THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, MADURAI.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate SR-543

ORDER
IN
WMP(MD) No.47 of 2020
IN
WP(MD) No.82 of 2020
Date :09/01/2020

KSA
JM/PN/SAR 1/09.01.2020/3P/5C