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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2020

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P.(MD)No.785 of 2019

Thavamani @ Pambai

... Petitioner/Detenu

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to call for the entire records connected with the detention order of the second respondent in B.C.D.F.G.I.S.S.V.No.23/2019, dated 02.08.2019 and quash the same and direct the respondents to produce the body or person of the detenu, by name, Thavamani @ Pambai, son of Ammasi, aged about 24 years, now confining at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.K.Dinesh Babu,
Additional Public Prosecutor

ORDER

[Order of the Court was made by **P.N.PRAKASH, J.**]

The petitioner is the detenu viz., Thavamani @ Pambai, son of Ammasi, aged about 24 years. The detenu has been detained, as per the order of the second respondent, dated 02.08.2019, under Section 2(f) of the Tamil Nadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petititoner is before this Court with this Habeas Corpus Petition.

2. It is seen that the detenu has three adverse cases to his credit and one ground case, based on which, the detention order was imposed against him. In two adverse cases, he was



released on bail, but, in the third adverse case, viz., Silaiman Police Station Crime No.179 of 2019, he was arrested on 24.07.2019 through PT warrant and the said case is under investigation. However, the Detaining Authority, while arriving at subjective satisfaction, at Paragraph No.5, that there is a real possibility of the detenu coming out on bail in the ground case, has failed to deal with the real possibility of the detenu coming out on bail in the third adverse case, which, in the opinion of this Court, shows lack of application of mind.

3. In the result, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent, in B.C.D.F.G.I.S.S.S.V.No.23/2019, dated 02.08.2019. Consequently, the detenu, namely, Thavamani @ Pambai, Son of Ammasi, aged about 24 years, who is now detained at Central Prison, Madurai, is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case/proceedings.

Sd/-

Assistant Registrar (RECORD)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

SML

To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

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

H.C.P (MD) No.785 of 2019
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