



WEB COPY

H.C.P (MD) No. 848 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2020

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No. 848 of 2019

Muthuselvi

... Petitioner/Wife of Detenu

Vs.

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
 - 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.
 - 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
- ... Respondents

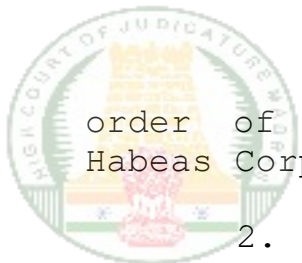
Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to call for the entire records, connected with the detention order of the second respondent in M.H.S.Confdl.No.62/2019, dated 14.08.2019 and quash the same and direct the respondents to produce the body or person of the detenu, by name Palanisamy, son of Baskar, aged about 26 years, now detained at Palayamkottai 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 husband of the petitioner viz., Palanisamy, Son of Baskar, aged about 26 years, has been detained as a "Goonda" under Section 2(f) of the Tamil Nadu Act 14 of 1982, by the impugned



order of detention dated 14.08.2019, challenging which, this Habeas Corpus Petition has been filed.

2. In paragraph No.6 of the grounds of detention, the Detaining Authority has relied upon the order of bail that was granted to one Subramanian in Cr.M.P.No.1268 of 2016 on 29.02.2016 by the learned Judicial Magistrate, Ambasamudram. A copy of the order has been enclosed in the relied upon documents. A perusal of the order shows that the accused therein was granted bail on account of his poverty and the fact that he was in confinement for more than five months, despite the fact that he was granted bail in other cases. However, in the present case, such a fact situation does not arise. Whereas, the Detaining Authority has stated that there is a likelihood of the detenu coming out on bail, which shows lack of application of mind and, therefore, the Detention Order is liable to be set aside.

3. In the result, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent, in M.H.S.Confdl.No.62/2019, dated 14.08.2019. Consequently, the detenu, namely Palanisamy, Son of Baskar, aged about 26 years, who is now detained at Central Prison, Palayamkottai, 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(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SML

To

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

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



3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

4. The Joint Secretary to Government,
Public (Law & order), Fort St. George,
Chennai - 9.

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

Order made in
H.C.P (MD) No.848 of 2019
Dated:20.03.2020

AL (CO)

TR(14.05.2020)3P 6C