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H.C.P(MD)No.1050 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2020

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.1050 of 2019

Manikandan

... Petitioner

Vs.

1.The Principal 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,
Dindigul District.

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 Detention Order No.60/2019, dated 24.09.2019 and quash the same and direct the respondents to produce the body or person of the detenu, by name, Manikandan, son of Palanichamy, aged about 20 years, now detained as 'Goonda' at Madurai Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

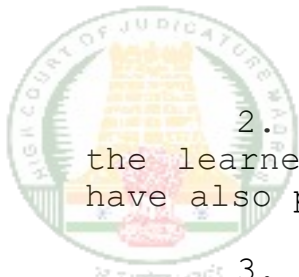
For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor

ORDER

[Order of the Court was made by **B.PUGALENDHI, J.**]

The petitioner is the detenu viz., Manikandan, son of Palanichamy, aged about 20 years. The detenu has been detained, as per the order of the second respondent, dated 24.09.2019, under Section 2(f) of the Tamil Nadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petitioner is before this Court in this Habeas Corpus Petition.



2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.

3. It is seen that the the detenu came to the adverse notice in Ayakudi Police Station Cr.No.119 of 2019, for the offences under Sections 147, 148, 120(b) and 302 I.P.C., and he also involved in the ground case in Palani Town Police Station Cr.No.308 of 2019 for the offence under Section 25(1)(a) of the Indian Arms Act, 1959 read with Sections 115 and 120-B I.P.C., based on which, the detention order came to be clamped on the detenu. The detaining authority is aware of the fact that the detenu came out on bail in Ayakudi Police Station Cr.No.119 of 2019 and the bail application in Cr.M.P.No.3155 of 2019 filed by the detenu in connection with Palani Town Police Station Cr.No.308 of 2019 was dismissed on 30.08.2019. Again, the bail application filed by the detenu in Cr.M.P.No.3247 of 2019 was also dismissed on 07.09.2019 and once again, the detenu filed the bail application in Cr.M.P.No.2324 of 2019 on the file of the District Principal and Sessions Judge, Dindigul and the same is pending. However, in Paragraph No.5 of the grounds of detention, the Detaining Authority has observed that there is a real possibility of the detenu coming out on bail and indulging in such activities which are prejudicial to the maintenance of public order, but, in support thereof, no similar case particulars, whatsoever, have been placed on record to show that the detenu would come out on bail. In the absence of any such documents, the subjective satisfaction arrived at by the Detaining Authority is vitiated and on that ground, the detention order is liable to be quashed.

4. In the result, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent, in Detention Order No.60/2019, dated 24.09.2019. Consequently, the detenu, namely, Manikandan, son of Palanichamy, aged about 20 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/-

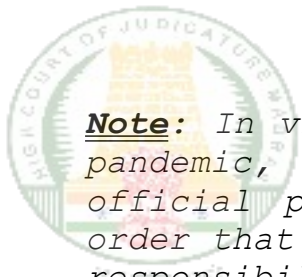
Assistant Registrar (AS)

// True Copy //

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Sub Assistant Registrar(CS)

RSB/SML



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
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Fort St. George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Dindigul District.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- 4.The Joint Secretary to government of Tamil Nadu,
Public (Law & Order),
Fort Saint George,
Chennai-9
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P (MD)No.1050 of 2019
30.06.2020

KB(08.07.2020) 3P 6C