



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.05.2020
CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.1057 of 2019
(Through Video Conference)

Selvam @ Anjel Selvam

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home, Prohibition and Excise(IX) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

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

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

... Respondents

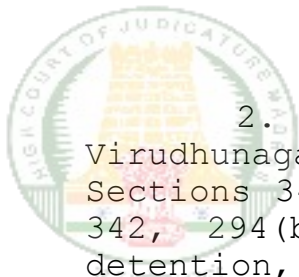
Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of respondent No.2 in Cr.M.P.No.15 of 2019, dated 27.08.2019 and quash the same and direct the respondents to produce the body or person of the detenu by name Selvam @ Anjel Selvam, son of Vairamani, aged about 26 years, now detained at Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner	: Mr.A.Thiruvadi Kumar,
For Respondents	: Mr.R.Anandaraj Additional Public Prosecutor

O R D E R

P.N.PRAKASH, J.,

It is seen that the petitioner has been branded as a 'Goonda' and detained under the Tamil Nadu Act 14 of 1982, on 27.08.2019, challenging which, this Habeas Corpus Petition has been filed.



2. This detention order is predicated on the ground case in Virudhunagar Bazaar Police Station Crime No.227 of 2019 under Sections 342, 294(b), 323, 307, 302 IPC @ 147, 148, 120B, 307, 323, 342, 294(b), 302 IPC. In Paragraph No.6(i) of the grounds of detention, the Detaining Authority has clearly stated that the detenu has not filed any bail application in Crime No.227 of 2019. After having stated so, the Detaining Authority has relied upon the similar bail order in connection with another case in Cr.M.P.No.4750 of 2012 for inferring that there is a real possibility of the detenu herein being released on bail, without any material in support of this satisfaction that steps are being taken by his family members or others for filing a bail application. That apart, the accused in the similar bail order relied upon by the Detaining Authority did not have any bad antecedents, whereas, the detenu in the present case has three adverse cases. Under normal circumstances, this may not be a ground for quashing the detention order, however, taking into consideration the present COVID-19 pandemic situation and the consequent need for decongestion of prisoners, this Court is inclined to quash the detention order.

3. In the result, this Habeas Corpus Petition is allowed by setting aside the Order of Detention passed by the second respondent herein, namely, District Collector and District Magistrate, Virudhunagar, in Cr.M.P.No.15 of 2019 dated 27.08.2019. Consequently, the detenu, namely, Selvam @ Anjel Selvam, son of Vairamani, aged about 26 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

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gk

To

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,
Virudhunagar District,

<https://hcservices.com/hcservices/>



3.The Superintendent,
Central Prison,
Madurai.

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

**+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-13017[F] dated
02/06/2020)**

H.C.P (MD)No.1057 of 2019

29.05.2020

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