



WEB COPY

H.C.P(MD)No.1067 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2020

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD)No.1067 of 2019

Jeevarathinam

... Petitioner/Mother of the
Detenue

Vs.

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise IX,
Secretariat,
George Fort,
Chennai-600 009.

2.The District Collector and District Magistrate,
Dindigul, Dindigul District.

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

... 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 records on the file of the second respondent in Detention Order No.48/2019 and set aside the order of detention passed therein dated 11.08.2019, direct the respondents to produce the detenu, by name Manthi @ Sakthivel, Son of Nagaraj, male, aged 24 years before this Court, now detained at Central Prison, Madurai and set him at liberty forthwith.

For Petitioner : Mr.J.William Christopher

For Respondents : Mr.R.Anandharaj,
Additional Public Prosecutor

* * * * *

ORDER

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

It is seen that the petitioner's son has been branded as a 'Goonda' and detained under the Tamil Nadu Act 14 of 1982, on 11.08.2019, challenging which, this Habeas Corpus Petition has been filed.

<https://hcservices.courts.gov.in/hcservices/>



2. This detention order is predicated on the ground case in Palani Taluk Police Station Crime No.241 of 2019 under Sections 147, 294(b), 323, 324 and 302 of the Indian Penal Code. In Paragraph No.5 of the grounds of detention, the Detaining Authority has clearly stated that the detenu has not filed any bail application in Crime No.241 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.46 of 2016 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 the steps are being taken by his family members or others for filing a bail application. Under normal circumstances, this may not be a ground for quashing the detention order, however, taking into consideration COVID-19 situation and decongestion, this Court is inclined to quash the detention order. That apart, in respect of the co-accused, who were already detained under the Tamil Nadu Act 14 of 1982, the detention order has been quashed.

3. 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.48/2019, dated 11.08.2019. Consequently, the detenu, namely, Manthi @ Sakthivel, Son of Nagaraj, aged 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 (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SML

Note:

**Due to lock down on account of COVID-19,
this order copy may be treated as true copy.**

To

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise IX,
Secretariat,
George Fort,
Chennai-600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Collector and District Magistrate,
Dindigul, Dindigul District.

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

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

Order made in
H.C.P (MD) No.1067 of 2019
20.05.2020

VB(04.06.2020) 3P 5C