



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.01.2020**

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD)No.1309 of 2019

WEB COPY

Durai

: Petitioner

Vs

State rep. by

1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2.The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the person or body of cousin brother namely Prabhu, son of Murugan aged about 29 years before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.K.Dinesh Babu

Addl.Public Prosecutor

O R D E R

[Order of the Court was made by **T.RAJA, J.**]

Mr.Durai, cousin brother of the detenu namely Prabhu, son of Murugan has brought this Habeas Corpus Petition for directing the respondents to produce the detenu before this Court and set him at liberty.

2.Learned counsel appearing for the petitioner in support of the prayer argued that as the detenu's parents are no more to take care of the detenu, he being cousin brother has been advised to move this petition. As the detenu has been regularly going to his work and at no point of time involved in any untoward incident in and around Kanyakumari District, he has been missing from 02.09.2019. On the said date, the Police Officials attached to the second respondent Police came to the house of the petitioner and took the detenu without any reasons and put him under their custody. On enquiry, the petitioner was informed that the Police wanted to conduct an enquiry from the detenu. Thereafter, the petitioner went to the second respondent Police Station and made enquiries about the detenu. Since he did not get any reply,



he has come to this Court to produce the detenu.

3.Mr.Dinesh Babu, learned Additional Public Prosecutor, appearing for the respondents, submitted that the present petition is completely devoid of any merits, the reason being that the detenu having involved in almost 9 criminal cases, when steps were taken to secure him, he has been absconding. In 12 cases, although warrants have been issued by the concerned Judicial Magistrates, in order to avoid his arrest, he has been hiding himself and when the respondent Police is also seriously looking out him with search team, the present petition filed by the cousin of the detenu is liable to be dismissed.

4.The learned Additional Public Prosecutor also produced the Crime and Criminal Tracking Network & Systems (CCTNS) of the Tamil Nadu Police. On a perusal of the same, we were able to see that there are 24 cases pending against the detenu. Out of 24 cases, in 12 cases, non-bailable warrants are pending. To avoid arrest the detenu is absconding, therefore, finding no merits whatsoever, we are of the view that this petition is liable to be rejected.

5.Accordingly, this habeas corpus petition is dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

VS

To

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.

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

Order made in
H.C.P. (MD)No.1309 of 2019
Dated:- 22.01.2020

KM/ (13.02.2020) 2P 4C

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