

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice V.SIVAGNANAM

H.C.P. No.209 of 2021

Elango

.. Petitioner

Vs.

1.State represented by
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.

2.Arul

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondent to produce the body or person of the detenu Mayavathi, aged about 29 years and Yugeswaran, aged about one year, before this Court and set them at liberty.

For Petitioner : Mr.S.Arokia Mani Raj
For R1 : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

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

This habeas corpus petition has been filed seeking to direct the 1st the respondent to produce the body or person of the detenu Mayavathi, aged about 29 years and Yugeswaran, aged about one year, before this Court and set them at liberty.

2. It is the case of the petitioner that his wife Mayavathi and his one year old son Yugeswaran, are in the illegal custody of the second respondent and that the police are not taking effective steps to secure them.

3. Today, Mr.S.Chinnappan (Mobile No.94981 52053), Special Sub-Inspector of Police, Sankarapuram Police Station, Kallakurichi District, is present.

4. On instructions, the learned additional Public Prosecutor submitted that this is the third time Mayavathi has eloped with Arul and the police had earlier secured her twice. He further submitted that on a complaint given by the petitioner, a case in Sankarapuram Police Station Crime No.15 of 2021 under Section 366 IPC has been registered against Arul, second respondent herein and the investigation is in progress.

In view of the above, this habeas corpus petition is closed with a direction to the Deputy Superintendent of Police, Thirukovilur, to monitor the investigation in Sankarapuram Police Station Crime No.15 of 2021 and keep the petitioner informed of the developments, if any. As and when the detinue Mayavathi, aged about 29 years and Yugeswaran, aged about 1 year are secured, they may be produced before the Judicial Magistrate, Sankarapuram, under intimation to the petitioner.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nsd

To

1.The Judicial Magistrate,
Sankarapuram.

2.The Deputy Superintendent of Police,
Thirukovilur.

3.The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.

4.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1 CC to Mr.S.Arokia Maniraj, Advocate sr 7668.

H.C.P. No.209 of 2021

SSD(CO)
SP(03/03/2021)