

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE V.SIVAGNANAM

H.C.P.No.1434 of 2020

B.Suvathi

.. Petitioner

Vs.

1.The District Collector cum Authorised Officer
District Collector
Collectorate Office at Kaaraikal
Kaaraikal 609 602

2.The Special Secretary to Government
Home Department, Chief Secretariat
Gulbert Avenue, Puducherry

3.The Superintendent of Police (Central Prison)
Kaalapattu, Puducherry

4.The Administrative Officer Advisory Board
Kuber Salai,
Puducherry 605 001

5.The Inspector of Police
Kirumampakkam Police Station
Puducherry

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the entire records relating to the petitioner's husband Bala @ Pulsar Bala @ Balamurugan confined at Central Prison, Puducherry detained under Prevention of Antisocial Activities Act 2008 (Act No.10 of 2010) in connection with the order of detention passed by the 1st respondent in order No.6051/DM/A3/PPASAA/2020/365 dated 04.08.2020 against the detenu and quash the same as illegal and consequentially direct the respondents to produce the detenu and set him at liberty.

For Petitioner : Mr.R.Vivekananthan
For Respondents : Mr.D.Bharatha Chakravarthy
Public Prosecutor (Puducherry)

O R D E R

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

This petition has been filed to quash of the order of detention passed by the 1st respondent in order No. 6051/DM/A3/PPASAA/2020/365 dated 04.08.2020 against the detenu and consequentially direct the respondents to set him at liberty.

2. Heard Mr.R.Vivekananthan, learned counsel for the petitioner and Mr.D.Bharatha Chakravarthy, learned Public Prosecutor (Puducherry) appearing for the respondents.

3. It is seen that though the Detaining Authority has relied upon the alleged involvement of the petitioner in Crime Nos.24/2020, 55/2020, 82/2020, 35/2020 and 8/2020. Except the FIRs of the relied upon cases, no document in support of the remand and bail particulars have been furnished to the detenu. This has resulted in prejudice, inasmuch as the detenu was not been able to give an effective representation against him detention. That apart, the Detaining Authority has not even stated about the possibility of the detenu coming out on bail in the cases that are pending against him, so as to justify the need to detain him preventively.

Hence, this Habeas Corpus Petition is allowed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

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Puducherry 605 001

5.The Inspector of Police
Kirumampakkam Police Station
Puducherry

6.The Public Prosecutor
High Court, Madras.

7.The Joint Secretary to Government (law & order)
Fort St. George, Chennai.

- 1 cc to Mr. R. Vivekananthan, Advocate Sr.10261
H.C.P.No.1434 of 2020
- RLD(CO)
- EU 22.2.2021



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