



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.10.2021

CORAM:

**THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN**

H.C.P. (MD) No.1477 of 2021

Sarojini

... Petitioner/
Mother of the detenu

-vs-

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Kallikudi Police Station,
Kallikudi,
Madurai District,
In Crime No.202/2021.

3.The Sub Inspector of Police,
Kallikudi Police Station,
Kallikudi,
Madurai district.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, to direct the respondents to produce the person or body of the Petitioner's son namely Sundar @ Sundaramoorthy, S/o.Venkatraman, aged about 52 years, now detained by the second and third respondents, before this court and set him at liberty.

For Petitioner : Mr.N.Madhava Govindan
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

Alleging that the petitioner's son namely Sundar @ Sundaramoorthy, aged about 52 years, is in illegal custody of the second and third respondents, the present Habeas Corpus Petition has



been filed.

2. Mr.N.Madhava Govindan, the learned counsel appearing for the petitioner would submit that the second respondent police is foisting a false case against the petitioner's son and detaining him illegally, without even remanding to judicial custody. In spite of the petitioner's representation to the higher authorities, no action has been taken. Hence, the present Habeas Corpus Petition has been filed.

3. When the matter is taken up for hearing today, Mr.S.Ravi, learned Additional Public Prosecutor appearing for the State, on instructions would submit that, the petitioner's son is a notorious criminal and he involved in counterfeit currency exchange. Now, a criminal case has been registered against him in Crime No.201 of 2021, on the file of Kallikudi Police Station, the second respondent herein, wherein eleven accused have been arrested and the detenu has been absconding and the respondent police also searching the accused.

4. Considering the facts and circumstances of the case, the petitioner's son is an absconding accused and it is the submission of the learned Additional Public Prosecutor that they are not illegally detained him and they are also conducting search to arrest the accused.

5. In view of the above, there is no illegal detention as alleged by the petitioner. Hence, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gbg/akv

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Superintendent of Police,
Madurai District,
Madurai.

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



2.The Inspector of Police,
Kallikudi Police Station,
Kallikudi,
Madurai District,

3.The Sub Inspector of Police,
Kallikudi Police Station,
Kallikudi,
Madurai district.

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

H.C.P. (MD) No.1477 of 2021

04.10.2021

_RD(20.10.2021) 3P 5C