



WEB COPY



H.C.P.No.2078 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2078 of 2022

R.Rakesh Kumar
S/o.R.Radhakrishnan

.. Petitioner

Vs

1.The Commissioner of Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai – 600 007.

2.State represented by
The Inspector of Police,
C-4, Ravij Gandhi Government
General Hospital Police Station,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent to produce the petitioner's father *viz.* R.Radhakrishnan, aged about 60 years, before this Court and set him at liberty.



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For Petitioner : Mr.M.Nalla Thambi

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

This habeas corpus petition has been filed by the petitioner seeking a direction to the second respondent to produce his father viz. R.Radhakrishnan, aged about 60 years, before this Court and set him at liberty.

2. It is the case of the petitioner that his father Radhakrishnan, who is an employee in Heavy Vehicles Factory (HVF), Avadi, tested positive for COVID-19 on 23.05.2020 and was admitted as an inpatient in Rajiv Gandhi Government General Hospital (RGGGH), Chennai; while that being so, he went missing from the hospital on 29.05.2020 and thereafter, his whereabouts are not known. On these allegations, the present habeas corpus petition has been filed.



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3. Today, Siddarth Shankar Roy (Mobile No.94442 06868),

Inspector of Police, C-4, RGGGH Police Station, Chennai, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that Radhakrishnan was indeed admitted as in-patient in RGGGH, Chennai, for COVID-19, but, he absconded from the bed, in connection with which, on a complaint given by the Assistant Professor, Speciality Block, RGGGH, a case in Government Hospital Police Station Crime No.23 of 2020 was registered on 30.05.2020 under Sections 188, 269 and 270 IPC. He also submitted that during the course of investigation, it came to light that Radhakrishnan was addicted to liquor.

5. It is not the case of the petitioner that his father Radhakrishnan is in the illegal custody of the respondents herein for the issuance of a writ of habeas corpus.

In such view of the matter, this habeas corpus petition stands closed with a direction to the Assistant Commissioner of Police, Flower Bazaar



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Range, Chennai, to supervise the investigation in Crime No.23 of 2020 that is being conducted by the Inspector of Police, Government Hospital Police Station, Chennai and keep the petitioner informed of the developments, if any. As and when the detenu Radhakrishnan, aged about 60 years, is secured, he shall be produced before the VIII Metropolitan Magistrate Court, George Town, Chennai, under intimation to the petitioner. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

(P.N.P., J.) (TKRJ)
19.10.2022

Index: Yes/No
nsd



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To

- 1.The VIII Metropolitan Magistrate,
George Town, Chennai.
- 2.The Assistant Commissioner of Police,
Flower Bazaar Range, Chennai.
- 3.The Commissioner of Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai – 600 007.
- 4.The Inspector of Police,
C-4, Ravij Gandhi Government
General Hospital Police Station,
Chennai.
- 5.The Public Prosecutor,
High Court, Madras.



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and
RMT.TEEKAA RAMAN, J.

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