



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.240 of 2022

Rajendran

... Petitioner/father of the detenue

Vs.

1.State of Tamil Nadu, rep. by

The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Magistrate and District Collector,
O/o.The District Magistrate and District Collector,
Karur District,
Karur.

3.The Superintendent,
Central Prison,
Tiruchirappalli. ...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records in detention order passed in Cr.M.P.No.08/2021 dated 27.08.2021 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son namely Jeeva @ Jeevanantham, S/o.Rajendran, male, aged 32 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu
For Respondents : Mr.A.Thiruvadi Kumar,
Addl. Public Prosecutor

O R D E R

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner is the father of the detenu, namely, Jeeva @ Jeevanantham, S/o.Rajendran, male, aged 32 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.08/2021 dated 27.08.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The



said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel for the petitioner would submit that the detention order has been passed without considering the materials in a proper perspective, which resulted in non-application of mind on the part of the detaining authority inasmuch as the detaining authority relied upon the bail order granted in Cr.M.P.No.1680 of 2020, dated 26.08.2020 in Crime No.1220 of 2020 on the file of the Oddanchatram police station and the bail order granted in Cr.M.P.No.3237 of 2015 dated 20.04.2015 in Crime No.57 of 2015 on the file of the Palani Taluk Police Station. The said bail order was granted under Section 167(2) Cr.P.C, for non filing of final report within 90 days and the same could not have been relied upon as a similar case. He would also point out that the detaining authority has observed that there is a possibility of the petitioner coming out on bail by filing bail application before the same or higher Court while the bail application was not filed or pending. The above two instances would demonstrate the non-application of mind on the part of the detaining authority in passing the Detention Order.

4. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.08/2021 dated 27.08.2021, passed by the second respondent is set aside. The detenu, namely, Jeeva @ Jeevanantham, S/o.Rajendran, male, aged 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

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 Additional Chief Secretary to Government,
State of Tamil Nadu
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
O/o.The District Magistrate and District Collector,
Karur District,
Karur.
- 3.The Superintendent,
Central Prison,
Tiruchirappalli.
4. The Joint Secretary to Government,
Public (Law &Order) Fort St.Goerge,
Chennai 600 009
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P (MD) .No.240 of 2022
01.04.2022

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