



HCP(MD)No.539 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.08.2022

CORAM

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mrs. Justice **R.HEMALATHA**

H.C.P.(MD)No.539 of 2022

B.Lakshmi

.. Petitioner /
mother of the detenu

Vs.

1.State of Tamil Nadu
rep. by its Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Police,
Tiruchirappalli District
Tiruchirappalli.

3. The Superintendent
Central Prison, ,
Tiruchirappalli District

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order passed by the 2nd respondent in his proceedings C.No. 11/Detention/CPO/TC/2022 dated 25.01.2022 and quash the same and direct the respondents to produce the person or body of the detenue namely



HCP(MD)No.539 of 2022

Parthiban, S/o.Baskaran, 25 years, (now detained at Central Prison, Trichy)
before this Court and set him at liberty.

For Petitioner : Mr.N.Anandkumar
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.HEMALATHA, J.**]

The petitioner is the mother of the detenu viz., Parthiban S/o.Baskaran, aged about 25 years. The detenu has been detained by the second respondent by his order in C.No.11/Detention/CPO/TC/2022 dated 25.01.2022 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 appearing 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.Though the learned counsel for the petitioner has raised several



HCP(MD)No.539 of 2022

other grounds to assail the order of detention, he has mainly focused his argument on the ground that the bail application of the detenu in CrI.M.P.No.204/2022 is pending. However, the detaining authority has inferred in Paragraph No.5 of the grounds of detention that there is a possibility of the detenu come out on bail by filing another application and hence, the order of detention is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, Paragraph No.5 of the grounds of detention, the detaining authority has stated that the bail application of the detenu in CrI.M.P.No.204/2022 is pending on the file of the Principal District and Sessions Court, Trichy. After having said so, in the subsequent lines, the detaining authority has stated that “hence, I infer that there is a real possibility of his (Parthiban) coming out on bail in this case by filing bail application again”, which vitiates the order of detention and on the sole ground, the detention order is liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.11/Detention/CPO/TC/2022 dated 25.01.2022 passed



HCP(MD)No.539 of 2022

by the second respondent is set aside. The detenu, viz., Parthiban, aged about 25 years, S/o.Baskaran, is directed to be released forthwith unless his detention is required in connection with any other case.

RR

**(P.N.P.,J.) (R.H.,J.)
30.08.2022**

Index : Yes/No

Internet : Yes

To

- 1.The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Tiruchirappalli District
Tiruchirappalli.
3. The Superintendent
Central Prison, ,
Tiruchirappalli District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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HCP(MD)No.539 of 2022

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and
R.HEMALATHA,J.

RR

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