



HCP(MD)No.131 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.131 of 2023

K.Kanaga

.. Petitioner /Mother
of the Detenu

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner of Police,
O/o. The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli District.

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, directing the respondents to produce the person or body of detenu namely Gudlu Ramesh @ Ramesh Aravinth, S/o.Kumar aged about 24 years before this Court who is now detained in the



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Central Prison, Tiruchirappalli in pursuant to the detention order passed by the second respondent in C.No.131/Detention/C.P.O/T.C/2022 dated 12.09.2022 and to call for the records and quash the same and set the detenu at liberty forthwith.

For Petitioner : Mr.R.Alagia Nambi

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner is the mother of the detenu viz., Gudlu Ramesh alias Ramesh Aravinth, aged about 24 years, S/o.Kumar. The detenu has been detained by the second respondent by his order in C.No.131/Detention/C.P.O/T.C/2022 dated 12.09.2022 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.



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3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that the detaining authority, after being aware of the fact that there was no bail application filed by the detenu, came to the conclusion that there is a real possibility of the detenu coming out on bail by relying upon the order passed in CrI.O.P.(MD).No.8970/2017 dated 14.07.2017. The learned counsel therefore submitted that the order that was relied upon by the detaining authority was not similar and on that score, the detention order is liable to be interfered with.

4. The learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition by filing his counter.

5. On carefully going through the detention order, the detaining authority was aware of the fact that no bail application was filed by the detenu. However, the detaining authority took into consideration the order passed in CrI.O.P.(MD).No.8970/2017 dated 14.07.2017 and came to the conclusion that there is a likelihood of the detenu coming out on bail.



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Perusal of the order shows that the accused therein was enlarged on bail for the offences under Sections 342, 366 and 506(i) IPC. However, in the present case, the offences involved are under Sections 364, 342, 387, 506(ii) IPC and 4 of Tamilnadu Women Harassment Act and hence, the bail order that was relied upon by the detaining authority cannot be considered to be a similar one.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.131/Detention/C.P.O/T.C/2022 dated 12.09.2022 passed by the second respondent is set aside. The detenu, viz., Gudlu Ramesh alias Ramesh Aravinth, S/o.Kumar, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) (M.N.K.,J.)
11.07.2023

NCC : Yes / No
Index : Yes / No
Lm/mbi



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To

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3. The Superintendent,
Central Prison,
Tiruchirappalli.

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



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