



H.C.P(MD)No.1045 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.1045 of 2022

Lakshmi

.. Petitioner/mother of the
detenu

Vs.

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

2. The District Collector and District Magistrate,
Karur District,
Karur.

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

4.The Superintendent of Police,
Karur District.

5.The Inspector of Police,
Kulithalai All Women Police Station,
Karur District.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to call for the records pertaining to the detention order issued by the 2nd respondent in Cr.M.P.No.11/2022 dated 05.05.2022 and quash the same and direct the respondents herein to produce the body of the detenu, namely, Anand @ Arivanandham, son of Manoharan, aged about 28 years, Palaya Jeyankondam, Krishnarayapuram Taluk, Karur District, the son of the petitioner herein and set him at liberty from Central Prison, Tiruchirappalli/3rd respondent herein forthwith.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

The detenu was arrested in Crime No.4/2022 on the file of the All Women Police Station, Kulithalai, for the offence under Sections 366 &



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506(i) IPC and Sections 5(l), 5(m) & 6 of Protection of Children from Sexual Offences Act and detained under Tamil Nadu Act 14 of 1982 branding him as a 'Sexual Offender'. The detaining authority has arrived at a subjective satisfaction that if the accused is not preventively detained under Act 14 of 1982, there is possibility of getting bail and his presence in the public is likely to cause threat to the maintenance of public order and he may indulge in such further activities if he comes out on bail. The said detention order is challenged on the ground of non application of mind and failure to consider the representation in proper perspective. However, without advert to the merit lies in this Habeas Corpus Petition, since it is now brought to the notice of this Court that the trial Court by judgment and order dated 31.01.2023, convicted and sentenced the accused/detenu to undergo 20 years Rigorous Imprisonment for offence under Sections 367 & 506(i) IPC and Section 6 of the Protection of Children from Sexual Offences Act, the apprehension of coming out on bail does not sustain and for that reason the detention order stands quashed.



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2. Accordingly, this Habeas Corpus Petition is closed.

[G.J.,J.] & [K.K.R.K.,J.]
21.02.2023

Internet :Yes
Index :Yes/No
NCC :Yes/No
PJJ

To

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

2. The District Collector and District Magistrate,
Karur District,
Karur.

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

4.The Superintendent of Police,
Karur District.

5.The Inspector of Police,
Kulithalai All Women Police Station,
Karur District.



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



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**DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.**

PJL

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