



HCP(MD)No.1276 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2023

CORAM

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

H.C.P.(MD)No.1276 of 2022

Vijaya Shanthi

.. Petitioner /Wife of the  
Detenu

Vs.

1.The Principal Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Fort St. George,  
Chennai-600 009.

2.The Commissioner of Police,  
Office of the Commissioner of Police,  
Madurai City,  
Madurai.

3.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records connected with the



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detention order of the respondent No.2 in No.49/BCDFGISSSV/2022, dated 08.07.2022 and quash the same and direct the respondents to produce the body or person of the detenu by name Manimaran, son of Irulappan, aged about 32 years, now detained as “Goonda” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner :Mr.R.Alagumani

For Respondents :Mr.A.Thiruvadikumar  
Additional Public Prosecutor

### **ORDER**

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

This Habeas Corpus Petition is filed by the detenu viz., Manimaran, aged about 32 years, S/o.Irulappan. The detenu has been detained by the second respondent, by his order No.49/BCDFGISSSV/2022, dated 08.07.2022 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.



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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. According to the detaining authority, on 28.05.2022, one Thavasi, went from his house on receiving a phone call, did not return home that night. His sister got panic and contacted her friends, but they gave an evasive reply. On the next day at about 0700 hours, the injured body of Thavasi was found along with Narasingam to Thattankulam Road leading to Angala Eswari Amman Temple. The investigation has lead to the arrest of four persons. The husband of the petitioner is one among them. He was arrested on 29.05.2022. The detention order been passed on 08.07.2022

4. Further, the detaining authority taking note of the fact that in a similar case, bail has been granted to the accused. It is reasonable to believe that the detenue will indulge in future activities which will be prejudicial to the maintenance of public order.



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5.The learned counsel appearing for the detenu submitted that it is a solitary case against the detenu and it is a case of circumstantial evidence. Therefore, the apprehension is that on release of the detenu, he will indulge in future, which will be prejudicial to the maintenance of peace and public order, is without any basis and hence, the detention order is vitiated on the ground of non application of mind.

6.This Court, on perusing the papers relied on by the detaining authority to invoke Article 14 of 1982, found that except the confession statement of the witnesses, the statement of one witness, who seen the accused person and the deceased alive near a bar quarrelling, there is no other evidence directly implicating the detenu in this case. Further, the occurrence, even according to the prosecution, has taken place in a secret place without any eye witness to the occurrence and the petitioner has no adverse case against him. Fear or apprehension that there is a likelihood of getting bail and if the detenu comes out on bail, he will indulge in future activities, which prejudicial to the maintenance of peace, is highly unsustainable. Therefore, the detention order is liable to be quashed.



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7. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.49/BCDFGISSSV/2022, dated 08.07.2022 passed by the second respondent is set aside. The detenu, Manimaran, aged about 32 years, S/o.Irulappan, is directed to be released forthwith unless his detention is required in connection with any other case.

**(G.J.,J.) (K.K.R.K.,J.)**  
**27.02.2023**

NCC :Yes/No  
Index:Yes/No  
Internet:Yes/No  
Ns  
To

1.The Principal Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Fort St. George,  
Chennai-600 009.

2.The Commissioner of Police,  
Office of the Commissioner of Police,  
Madurai City,  
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3.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai District.

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



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