



HCP(MD)No.2043 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.02.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.2043 of 2022

Ananthi

.. Petitioner /Wife of the
Detenu

Vs.

1.The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.

2.The District Collector cum District Magistrate,
District Collector's Office,
Thanjavur District.

3.The Superintendent,
Central Prison,
Tiruchirappalli.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records pertaining to the detention order passed by the second respondent in Detention Order made in P.D.No.15/2022, dated 11.02.2022 under Section 2(f) of Tamil Nadu Act, 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely, Ramesh, Son of Periyathambi, Male, aged about 40 years detained at Central Prison, Trichy, before this Court and set him at liberty forthwith.

For Petitioner :Mr.A.Arun Prasad

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 wife of the detenu viz., Ramesh, Son of Periyathambi, aged about 40 years. The detenu has



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been detained by the second respondent, by his order in P.D.No.15/2022, dated 11.02.2022 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. The learned counsel appearing for the petitioner, who is the wife of the detenu submitted that the subjective satisfaction of the detaining authority is based on a irrelevant bail order.

4. According to the petitioner's counsel, the detenu never sought for bail, however, the detaining authority has stated that the probability of coming out on bail is bright, in view of the bail granted in a similar case.



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5. The learned counsel would further submit that the similar case referred is for offences under Section 307 and 506(ii) IPC and 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, whereas, the ground case against the detenu is for offences under Sections 294(b), 324 and 307 IPC which is grave in nature and the case against the detenu is for offences under Section 324 IPC and further, he has not filed any bail application, to apprehend that there is a possibility of getting bail.

6. This Court, on perusing the detention order, finds that the major offence in the similar case and the current case is 307 IPC and though the accused on the date of passing the detention order has not preferred any bail petition, it is not a conclusive inference that he will not file bail petition subsequently. Therefore, the inference drawn by the detaining authority that there is a possibility of getting bail, cannot be found fault. Therefore, this Court finds no merit in this Habeas Corpus Petition.



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7. Accordingly, this Habeas Corpus Petition is dismissed.

(G.J.,J.) (K.K.R.K.,J.)
10.02.2023

Index: Yes/No
Internet: Yes/No
RM

To

1. The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
2. The District Collector cum District Magistrate,
District Collector's Office,
Thanjavur District.
3. The Superintendent,
Central Prison,
Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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