



H.C.P.(MD).No.1431 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.03.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

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Anandhan

.. Petitioner/Father of the Detenu

Vs.

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

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

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records on the file of the second respondent in No.35/BCDFGISSSV/2023 dated 24.04.2023 and set aside the order of detention passed therein; direct the respondents to produce the detenu by name Ajithkumar @ Kuttai Ajith, aged 25 years,



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S/o.Anandhan before this Court, now detained at Central Prison, Madurai and set aside the order of detention passed therein and set him at liberty forthwith.

For Petitioner : Mr.J.William Christopher

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The detention order dated 24.04.2023 passed by the second respondent against the accused, by name, Ajithkumar @ Kuttai Ajith, is under challenge in the present Habeas Corpus Petition preferred by the father of the detenu.

2. A case in Crime No.69 of 2023 was registered on the complaint given by one Mahalakshmi in connection with the murder of her husband, Manikandan. The investigation has revealed that it was a case for money and the detenu herein, who had some bad antecedents, had acted as a hireling engaged by the first accused, a police constable, who suspected that the deceased was having an illegal relationship with his wife. There are totally nine accused in this case. The sponsoring authority has



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recommended for detaining eight accused except one and the detaining authority has passed the detention order for the eight accused on different dates. As far as Ajithkumar @ Kuttai Ajith, the detenu in the present Habeas Corpus Petition is concerned, he was arrested on 02.02.2023 and the detention order was passed and served on him on 24.04.2023.

3. The learned counsel appearing for the petitioner raised several grounds to project that the impugned detention order was passed without application of mind and it was based on a solitary ground case in Crime No.69 of 2023 . He also pointed out that the detention of all the other co-accused has been quashed by this Court on the ground that there is no live link between the date of arrest and the date of detention order.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that there is no infirmity or non-application of mind in the detention order. The detenu, Ajithkumar @ Kuttai Ajith, was involved in an adverse case of murder, which is under investigation, registered by Avaniyapuram Police Station in the year 2016 and another case registered for the offence under Section 399 IPC by Jaihindpuram



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Police Station in the year 2020. Therefore, in the course of collecting the material, there was some delay in passing the detention order.

5. This Court, on perusing the detention order, does not see any reference about the two adverse cases, which have now been referred in the counter and in the submission made by the learned Additional Public Prosecutor. Therefore, the reason for delay from 02.02.2023 till 24.04.2023 in passing the detention order even after the arrest of the detenu, is not an acceptable one. Hence, the impugned order of detention is liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.35/BCDFGISSSV/2023 dated 24.04.2023 passed by the second respondent is set aside. The detenu, viz., Ajithkumar @ Kuttai Ajith, S/o.Anandhan, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(G.J.,J.) (C.K.,J.)
05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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Madurai Bench of Madras High Court,
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