



H.C.P.(MD) No.911 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

H.C.P(MD)No.911 of 2024

Jothi

... Petitioner/Sister of
Detenu

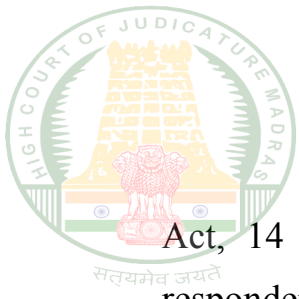
-Vs-

1. The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
2. The District Collector and District Magistrate,
District Collector's Office,
Madurai District,
Madurai.
3. The Superintendent,
Central Prison,
Madurai

... Respondents

PRAYER: Habeas Corpus 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 2nd respondent in Detention Order made in B.C.D.F.G.I.S.S.S.V No.13/2024 dated 23.06.2024 under sec 2(ggg) of Tamilnadu

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Act, 14 of 1982 as a Sexual Offender and quash the same and direct the respondents to produce the detenu namely Balamurugan Son of Paramasivam, Male aged about 40 years detained at Central Prison, Madurai, before this court and set him at liberty.

For Petitioner : M/s.A.Kumar [No appearance]

For Respondents : Mr.S. Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.

AND

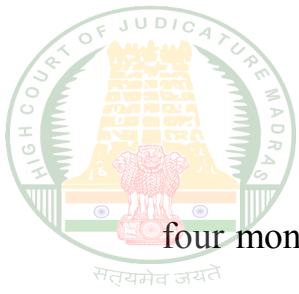
R.POORNIMA, J.

No representation on behalf of the petitioner.

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. This Habeas Corpus Petition is filed challenging the detention order on the ground that the booklets furnished to the detenu were not eligible and could not be read to make a proper representation. Further, it is contended that the detenu was arrested on 22.02.2024, whereas the detention order was passed after

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four months on 23.06.2024. There is no live or proximity between the crime and the detention order. The detaining authority has preemptively concluded that there is a likelihood of granting bail to the sexual offender, even before any bail petition filed on behalf of the detenu.

4. The Learned Additional Public Prosecutor has filed a counter, wherein explained the reason for delay in passing the detention order. The victim of the crime is own daughter of the detenu, he along with his friend had ravished the minor girl, who at the time of complaint was conceived because of the penetrative sexual act. The gravity of the crime had shock to the public creating panic and hence, the detention order been passed.

5. On perusing the records, this Court finds that the proximity between the victim and the accused had warranted the detention order. Though there is no proximity between the arrest and the detention order, we larger interest of the victim, taken into consideration by the detaining authority, which is justifiable in the given circumstances.

6. Accordingly, this Habeas Corpus Petition stands dismissed.



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[G.J., J.] & [R.P., J.]

01.04.2025

NCC : Yes / No
Index : Yes / No
KSA



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Madurai Bench of Madras High Court,
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