



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.04.2025

CORAM

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

AND

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

H.C.P.(MD)No.973 of 2024

Anusiya

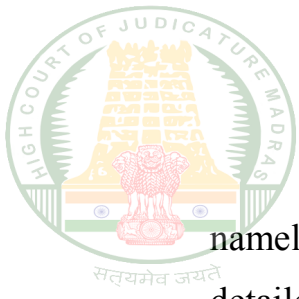
.. Petitioner/Wife of
detenu

Vs.

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate,
O/o. the District Collector and District Magistrate,
Theni District. Theni.
3. The Superintendent,
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 entire records in detention order passed in Detention Order No.39/2024 dated 19.07.2024 on the file of the 2nd Respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's husband



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namely Palanichamy, S/o.Lakshmanan, male, aged about 58 years, who is detailed in Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : M/s.R. Manickam

For Respondents : Mr.A. Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.

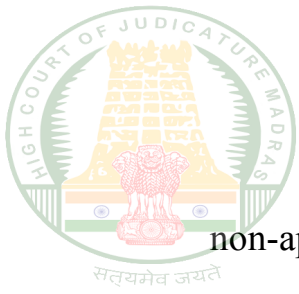
AND

R.POORNIMA, J.

The petitioner herein is the wife of the detenu, who was arrested by the All Women Police Station, Andipatty, in Crime No.15 of 2024 for offences under Sections 7, 8, 11(i), and 12 of the Protection of Children from Sexual Offences Act, 2012 on 25.05.2024.

2. We have heard on either side and also perused the material documents available on record.

3. After a lapse of nearly 50 days, a detention order came to be passed based on a sole and isolated case, without any prior bad antecedents. The present Habeas Corpus Petition has been filed challenging the



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non-application of mind in passing the detention order. In addition, the delay in issuing the detention order and the failure to establish the live and proximate link are also canvassed before this Court. This Court finds that, as the incident in question is a solitary case of child abuse, the detention order fails to adequately address whether the presence of the accused would cause any disturbance to public order. Therefore, it is appropriate to quash the detention order.

4. However, taking into consideration that the presence of the detenu in the same village may cause apprehension in the mind of the victim child, the detenu was directed to file an undertaking affidavit stating that he would not stay in Kalavasal, Kanniyappapillaipatti Village, until the completion of the trial. Accordingly, he has filed an undertaking affidavit duly attested by the Jailor, Central Prison, Madurai. Since the detention order suffers from lack of proper application of mind, and even assuming there is a likelihood of fear in the mind of the victim, the undertaking affidavit filed by the detenu sufficiently addresses and alleviates such apprehension.



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5. In the result, the Habeas Corpus Petition is allowed and the detention order made in Detention Order No.39/2024 dated 19.07.2024 passed by the second respondent, is hereby set aside. The detenu, Palanichamy, S/o.Lakshmanan, male, aged about 58 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[G.J., J.] & [R.P., J.]
25.04.2025

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

KSA

Note : Issue a copy of order on 25.04.2025



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To

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DR.G.JAYACHANDRAN, J.

and

R.POORNIMA, J.

KSA

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