



HCP(MD)No.1142 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.02.2025

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

AND

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

H.C.P.(MD)No.1142 of 2024

Gurusamy

.. Petitioner /Father of
the Detenu

Vs.

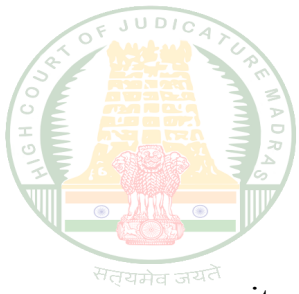
1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George,
Secretariat, Chennai-600 009.

2.The District Collector and District Magistrate,
Tenkasi District,
Tenkasi.

3.The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
(Crime No.95 of 2024)

4.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli City.

.. Respondents



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Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, to call of the records relating to the detention order in M.H.S.Confdl No.61/2024 dated 03.08.2024 and quash the same and consequently direct the respondents to produce the body or person of the detenu namely Sehturkumar @ Santhanakumar @ Vellaiyan, son of Gurusamy, aged about 24 years now detained as “GOONDA” at Central Prison, Palayamkottai and set him at liberty forthwith.

For Petitioner :Mr.N.Mohideen Basha

For Respondents :Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

This Habeas Corpus Petition is filed by the father of the detenu viz., Sehturkumar @ Santhanakumar @ Vellaiyan, son of Gurusamy, aged about 24 years. The detenu has been detained by the second respondent, by his order in M.H.S.Confdl No.61/2024 dated 03.08.2024 holding him to be a "Goonda", as contemplated under Section 2(f) of the Tamail 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, the son of the petitioner is detained under Act 14 of 1982 for his involvement and series of criminal case pending in different Districts. In ground case, in respect of murder of one Periyadurai, which is under investigation in Crime No.95 of 2024 on the file of Chinnakovilankulam Police Station, Thenkasi.

4. The learned counsel appearing for the petitioner would submit that the detention order itself clearly reveal that the detenue has not applied for any bail in ground case and the adverse case. Out of three adverse cases, he was granted anticipatory bail in two cases and another case no application for bail filed by him. Therefore, the apprehension of being release on bail in future does not arise. Furthermore, the learned counsel would also submit that though the ground case alleged to have taken place on 08.06.2024, the order of detention was passed on 03.08.2024. The delay of 52 days there is no proximity between the ground case and the detention order.



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5.The learned Additional Public Prosecutor appearing for the respondents submits that the detainee has involved in multiple criminal cases spreading over three Districts. In ground case, he has committed murder due to previous enmity. The antecedent of the detainee has provided every reason to apprehend that his presence in the public will create fear in the mind of the public and disturb the tranquility. The learned Additional Public Prosecutor further submits that the delay in passing the detention order due to the fact that the involvement of the detainee in different crime and different police station in three Districts, sufficient time was required to collect materials and apply the mind whether the detainee has to be preventively detained under Act 14 of 1982.

6.This Court, on perusing the records, finds that the series of crime of different nature are under investigation. The detainee has involved in subsequent crime, after obtaining anticipatory bail in two cases. Though he has not filed any bail petition in one of the adverse case and the ground case, there is a possibility of filing bail petition is not ruled out. On consideration of the materials placed, this Court holds that the detention order does not suffer any legal infirmity.



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WEB COPY 7. In view of the above, this Habeas Corpus Petition is dismissed.

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

17.02.2025

NCC :Yes/No

Index:Yes/No

Internet:Yes/No

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To

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