
(2006) 01 MAD CK 0162
In the Madras High Court
Case No : HCP. No. 1011 of 2005

Arputham

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 20-01-2006

Acts Referred:

Citation : (2006) 01 MAD CK 0162

Hon'ble Judges : P. Sathasivam, J;N. Paul Vasanthakumar, J

Bench : Division Bench

Advocate : R. Subadradevi, for the Appellant; M.K. Subramanian, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner, who is the wife of the detenu by name Ravi @ Kari Ravi, who was detained as a "Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 05.09.2005, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as the learned Government Advocate for the respondents.

3. At the outset, learned counsel for the petitioner, by drawing our attention to para 4 of the grounds of detention, would submit that though the bail application in CrI.M.P. No. 10527 of 2005 filed by the detenu came to be dismissed as early as on 31.8.2005, the detaining authority proceeded as if that the said bail application was kept pending and by getting order in that application, the detenu will come out on bail at any time. No doubt, it was only on the basis of the endorsement made by the learned counsel for the petitioner/accused, the said petition was dismissed on 31.8.2005. However, the said aspect, viz., disposal of the bail application even on 31.8.2005, has not been brought to the notice of the

detaining authority by the sponsoring authority. Therefore, the detaining authority proceeded that on the date of passing of the detention order, the bail application filed by the detenu in CrI.M.P. No. 10527/2005 was pending and that there is imminent possibility of his coming out on bail at any time by an order of Court. We are satisfied that the detaining authority was not possessed with the relevant material and the satisfaction referred to in para 4 is also not based on the relevant material. On this ground, the impugned order of detention is liable to be quashed and accordingly, we are inclined to quash the impugned order of detention.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from custody unless he is required in some other case or cause.