

(2006) 08 MAD CK 0059
In the Madras High Court
Case No : H.C.P. No. 549 of 2006

Mani	Vs	APPELLANT
State of Tamil Nadu		RESPONDENT

Date of Decision : 07-08-2006

Acts Referred:

Citation : (2006) 08 MAD CK 0059

Hon'ble Judges : S. Manikumar, J;P. Sathasivam, J

Bench : Division Bench

Advocate : C.C. Chellappan, for the Appellant; M. Babu Muthu Meeran, Assistant Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner, who is the wife of the detenu by name Poovarasu @ Poovarasam, who is 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, 1982), by the impugned detention order dated 04.05.2006,

challenges the same in this petition.

2. Heard the learned Counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

3. At the foremost, learned Counsel for the petitioner, by drawing our attention to the order dated 18.04.2006, made in Crl.M.P. No. 3270 of

2006 on the file of the Sessions Judge, Vellore, submitted that the respondents have predetermined to invoke Act 14, which is evident from the

statement of the learned Public Prosecutor before the said Court, which vitiates

the ultimate detention order passed by the detaining authority.

4. In the light of the said contention, we verified the order passed by the learned Sessions Judge in the bail application, namely CrI.M.P. No. 3270

of 2006. At the time of hearing the matter, learned Public Prosecutor strongly objected to the grant of bail, stating that the detenu is an habitual

offender and the police officials are taking effective steps to detain him under Goondas Act and if he is released on bail, he is likely to abscond. It is

not in dispute that the learned Public Prosecutor made the said statement only on the basis of instructions furnished by the Sponsoring Authority.

5. In such circumstances, the learned Counsel for the petitioner is right in contending that the authorities have predetermined to detain the detenu at

any cost under Act 14, which vitiates the ultimate detention order. On this ground, the impugned detention order is liable to quashed.

6. 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 the custody unless he is required in connection with any other case or cause.