
(2014) 04 MAD CK 0034

In the Madras High Court

Case No : Habeas Corpus Petition No. 2531 of 2013

Manickavel

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 29-04-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 294(b) 336 341 392 397

Citation : (2015) CriLJ 3065

Hon'ble Judges : V. Dhanapalan, J;G. Chockalingam, J

Bench : Division Bench

Advocate : K. Ilayaraja, Advocate for the Appellant; P. Govindarajan, Addl. Public Prosecutor, Advocate for the Respondent;

Final Decision : Allowed

Judgement

1. The petitioner is the father of detenu. The detenu has been branded as a "Goonda" as contemplated under Tamil Nadu Act 14 of 1982 and detained under order of the 2nd respondent passed in Memo No. 1162/BDFGISSV/2013 dated 28.09.2013. The detenu came to adverse notice in the following cases:-

The ground case alleged against the detenu is one registered on 01.09.2013 by the Inspector of Police, M-8, Sathangadu Police Station in Crime No. 1478 of 2013 for the offences under Sections 341, 294(b), 336, 427, 392 r/w 397 and 506(ii) IPC. Aggrieved by the order of detention, the present petition has been filed.

2. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that when there is no bail application filed on behalf of the detenu, nor by the relatives of the detenu, there is no imminent possibility of him being released on bail and therefore, the impugned order has been passed without any supporting material. For the above reasons, the impugned order of detention is liable to be quashed.

3. We have heard the learned Additional Public Prosecutor on the above submission.

4. On a careful scrutiny of the impugned order, it is seen that the detaining authority, taking into account the imminent possibility of the detenu being enlarged on bail and the likelihood of the same is prejudicial to the public order and health, has passed the impugned detention order, wherein it has been mentioned as under in paragraph No. 4 of the order:

"4.... The sponsoring authority has stated that the relatives of Thiru. Ranjith alias Kozhi Ranjith are taking action to take him on in M-8, Sathangadu Police Station Cr. Nos. 1464/2013, 1476/2013 and 1478/2013 by filing fresh and another bail applications before the court. Similarly, in a case registered at T-1, Ambattur Police Station Cr. No. 1960/2012 under Sections 341, 294(b), 336, 427, 392, 397 and 506(ii) IPC bail was granted by the District Principal Sessions Court, Thiruvallur in Cri. M.P No. 2392/2012."

A close reading of the entire booklet, it is noticed that the detaining authority has taken a decision on 28.09.2013 to detain the detenu on the presumption that the relatives of the accused are taking steps to bail him out by filing applications in respect of Crime Nos. 1464 and 1476 of 2013, 4th & 5th adverse cases and 1478 of 2013, ground case, without any valid material in support thereof and passed the impugned order of detention in mechanical manner, which shows clear non application of mind on the part of detaining authority in arriving at such conclusion. Thus, for the reasons stated herein-above, the impugned detention order cannot be sustained.

Accordingly, the impugned detention order passed by the 1st respondent, detaining the detenu, namely, Ranjith alias Kozhi Ranjith, S/o. Manickavel, made in Memo No. 1162/BDFGISSV/2013 dated 28.09.2013, is quashed and the Habeas Corpus Petition is allowed. The above named detenu, who is detained in the Central Prison, Puzhal, Chennai is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.