
(2006) 04 MAD CK 0183
In the Madras High Court
Case No : H.C.P. No. 51 of 2006

Ranjit	Vs	APPELLANT
The State of Tamil Nadu		RESPONDENT

Date of Decision : 17-04-2006

Acts Referred:

Citation : (2006) 04 MAD CK 0183

Hon'ble Judges : P. Sathasivam, J; J.A.K. Sampath Kumar, J

Bench : Division Bench

Advocate : Sankarasubbu, for the Appellant; Abudukumar Rajarathinam, Government Advocate (Crl. Side), for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner, the friend of the detenu, by name, Ravi @ Ravi Alex @ Alex Ravi, who was detained as a ""Goonda

under the Tamil Nadu Prevention of Dangerous Activities of Boot-leggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic

Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) by the impugned order, dated 14.12.2005, challenges the

same in this petition.

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

3. At the foremost, the learned Counsel for the petitioner, by drawing our attention to paragraph 5 of the grounds of detention, contended that

though the detaining authority has very much relied on the bail application that was moved before this Court in Crl.O.P. No. 33739 of 2005, and

the same was pending on the date of passing of the detention order, the copy of

the same was not furnished to the detenu, which prevented him from making effective representation. A perusal of para 5 of the grounds of detention shows that the detaining authority, after taking note of the fact that the detenu was in remand in Central Prison, Cuddalore in Crime No. 914 of 2005 of Villupuram Town Police Station and has moved the bail application before the Sessions Court, Villupuram Sessions Division, Villupuram in Crl.M.P. No. 13038 of 20 05 and also considering the fact that the same was dismissed on 28.11 .2005 and after recording that he was aware that the bail application, namely, Crl.O.P. No. 33739 of 2005 moved before the High Court was pending, because of the same, there is imminent possibility of the detenu coming out on bail, since in similar cases orders are granted by this Court after lapse of time, passed the impugned order of detention. The above reference makes it clear that the detaining authority has heavily relied upon the pendency of the bail application, viz., Crl.O.P. No. 33739 of 2005 filed before the High Court and after noting the same and satisfying himself that there is imminent possibility of the detenu coming out on bail by the orders of the High Court in the said application, passed the detention order.

4. In such circumstances, we are satisfied that inasmuch as the detaining authority has heavily relied on the pendency of the bail application before this Court in respect of the imminent possibility of the detenu coming out on bail, it is but proper to supply copy of the same to the detenu, though the said application was moved by the detenu himself. We accept the objection raised by the learned Counsel for the petitioner. On this ground, the detention order is liable to be quashed and, accordingly, it is quashed.

5. The Habeas Corpus Petition is allowed and the detenu is directed to be set at liberty forthwith from custody, unless he is required in connection with any other case.