



H.C.P(MD)No.919 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

H.C.P(MD)No.919 of 2023

V.Anandhi

.. Petitioner

VS

1.The State of Tamil Nadu,
Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Commissioner of Police,
Madurai City,
Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

4.The Inspector of Police,
Thiruparankumdrum Police Station,
Madurai.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, calling for the records relating to the



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detention order passed by the 2nd respondent in Detention Order No. 28/BCDFGISSSV/2023, dated 15.04.2023 and to quash the same and direct the respondents to produce the body or person of the detenu, V.Madhan, Son of Vadivel, aged about 22 years, before this Hon'ble Court and set him at liberty, now detained at Central Prison, Madurai.

For Petitioner : Mr.R.Selvaraj

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

When the matter was taken up, this Bench was informed that co-accused in the ground case were also clamped with preventive detention orders. The same were challenged by way of 'Habeas Corpus Petitions' [hereinafter 'HCPs' for the sake of brevity] and HCPs were allowed by this Court on 05.10.2023 by way of common order. The said order is as follows:



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2023/MHC/4681



HCP(MD)Nos.852, 854 & 862 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

H.C.P.(MD)Nos.852, 854 & 862 of 2023

Hemalatha : Petitioner in H.C.P(MD)No.852/2023
Sasikumar : Petitioner in H.C.P(MD)No.854/2023
Raja @ Singhi Raja : Petitioner in H.C.P(MD)No.862/2023
Vs.

1.The Government of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Police,
Madurai City,
Madurai.

3.The Superintendent,
Central Prison,
Madurai District.

: Respondents in all HCPs

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PRAYER in H.C.P.(MD)No.852 of 2023: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records made in 23/BCDFGISSSV/2023 dated 12.04.2023 on the file of the second respondent and quash the same and consequently direct the respondents to produce the petitioner's son namely, "Siva @ Sivapriyan, S/o. Anandan, aged about 28 years" who is now detained as a detainee at Central Prison, Madurai, his corpus or body before this Court.

PRAYER in H.C.P.(MD)No.854 of 2023: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records made in 25/BCDFGISSSV/2023 dated 13.04.2023 on the file of the second respondent and quash the same and consequently direct the respondents to produce the petitioner's son namely, "Vigneshwaran, S/o.Sasikumar, aged about 21 years" who is now detained as a detainee at Central Prison, Madurai, his corpus or body before this Court.

PRAYER in H.C.P.(MD)No.862 of 2023: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to

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HCP(MD)Nos.852, 854 & 862 of 2023

call for the records made in 26/BCDFGISSSV/2023 dated 13.04.2023 on the file of the second respondent and quash the same and consequently direct the respondents to produce the detainee namely, Raja @ Singhi Raja, S/o,Gopi, aged about 21 years before this Court.

For Petitioner : Mr.J.Sankara Pandian
[In all H.C.Ps.]
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
[In all H.C.Ps]

COMMON ORDER

[Common order of the Court was made by **M.SUNDAR, J.**]

This common order will govern the captioned three 'Habeas Corpus Petitions' ['HCPs in plural and HCP in singular' for the sake of brevity, convenience and clarity]. H.C.P.(MD)No.852 of 2023 shall be referred to as I HCP, H.C.P.(MD)No.854 of 2023 shall be referred to as II HCP and H.C.P.(MD)No.862 of 2023 shall be referred to as III HCP.

2.The detainees in the aforementioned three HCPs are co-accused in one ground case which constitutes a substantial portion of substratum of the impugned preventive detention orders. Therefore, we are making a common order.



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3.I HCP has been filed by the mother of the detenu; II HCP has been filed by the father of the detenu; III HCP has been filed by the detenu, assailing the 'preventive detention orders dated 12.04.2023, 13.04.2023 and 13.04.2023 respectively, bearing reference No.23/BCDFGISSSV/2023, No.25/BCDFGISSSV/2023 and No.26/BCDFGISSSV/2023 respectively' [hereinafter 'impugned preventive detention orders' for the sake of brevity and convenience] made by the second respondent Commissioner of Police, Madurai City, who shall hereinafter be referred to as 'detaining authority' for the sake of convenience and clarity. To be noted, sponsoring authority has not been arrayed as a respondent but we find that 'Station House Officer of V1 Thirupparankundram Police Station' is the sponsoring authority [hereinafter 'Sponsoring Authority' for the sake of convenience and clarity].

4.Impugned preventive detention orders have been made under 'The Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug-offenders, Forest-offenders, Goondas, Immoral traffic offenders, Sand-offenders, Sexual-offenders, Slum-grabbers and Video Pirates Act, 1982 (Tamil Nadu Act No.14 of 1982)'

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[hereinafter 'Act 14 of 1982' for the sake of convenience and clarity] branding the detenus as 'Goonda' within the meaning of Section 2(f) of Act 14 of 1982.

5.The impugned preventive detention orders have been passed based on a ground case in Crime No.74 of 2023 on the file of VI Thirupparankundram Police Station against the detenues for the alleged offences under Sections 341, 294(b), 302 and 506(ii) of 'The Indian Penal Code (45 of 1860)' [hereinafter 'IPC' for the sake of convenience and clarity] and subsequently altered into one under Sections 120-B, 147, 341, 294(b), 302 and 506(ii) of IPC. Considering the nature of the challenge to the impugned detention orders, it is not necessary to delve into the factual matrix of the case.

6.Today, Mr.J.Sankara Pandian, learned Counsel on record for petitioners and Mr.A.Thiruvadi Kumar, learned State Additional Public Prosecutor for all the respondents in all three HCPs are before us.

7.In the final hearing board, today, though very many points have been raised, learned Counsel for the petitioners drew our attention to a portion of the grounds of impugned preventive

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detention orders, wherein the detaining authority has relied on a bail order dated 04.01.2020 made in CrI.M.P.No.7049 of 2019 on the file of the Principal Sessions Judge, Madurai [hereinafter '**Periyasamy's** case' for the sake of convenience and clarity as Thiru.Periyasamy S/o. Chellapandi, is the petitioner in this bail order], for arriving at subjective satisfaction *qua* imminent possibility of detainees being enlarged on bail.

8.Learned Counsel advertng to **Periyasamy's** case bail order, which has been furnished to the detainees as part of the grounds booklet submitted that in **Periyasamy's** case, the parameters and determinants which weighed in the minds of the bail Court for granting bail are very different from the ground case.

9.Learned Counsel drew our attention to paragraph No.6 of **Periyasamy's** case bail order, wherein the bail Court ie., learned Principal Sessions Judge has made it clear that four determinants have weighed in the minds of the trial Court in granting the relief and they are as follows:

- a) The petitioner was in judicial custody for 80 days.
- b) Substantial part of investigation is over.

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- c) Already one co-accused has been granted bail.
- d) There are no antecedents for the petitioner [Periyasamy] in that case.

10.Learned Counsel submitted that none of these parameters will apply to the case on hand as all three detainees have been incarcerated for two months, the investigation was completed and charge sheet was filed in the trial Court only on 26.04.2023, after the impugned preventive detention orders were made and in all these cases there are multiple adverse cases against the detainees. In other words, on the date of making of the impugned preventive detention orders, the investigation was not over. To be noted, none of the co-accused were enlarged on bail. All the three accused have adverse cases and the details of the adverse cases have been set out in the impugned preventive detention orders.

11.Setting out this aspect of the matter, learned Counsel submitted that the subjective satisfaction arrived at by the detaining authority as regards the imminent possibility of the detainees being enlarged on bail is clearly impaired.

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12.In response to the aforementioned arguments, learned Additional Public Prosecutor submitted that the alleged offence in **Periyasamy's** case and the ground case are broadly comparable.

13.We carefully considered the rival submissions.

14.This Court has repeatedly held that when it comes to subjective satisfaction of the detaining authority as regards imminent possibility of detainees being enlarged on bail it is not just comparison of the alleged offence but it is also comparison of determinants/parameters for grant of bail which is a discretionary relief in law.

15.In the case on hand, we find one striking difference between **Periyasamy's** case bail order and the ground case and that striking difference is there is no adverse case or no antecedents in **Periyasamy's** case, whereas in the case on hand all three detainees have adverse cases ie., antecedents even according to the impugned preventive detention orders. The details of the adverse cases have been captured in the impugned preventive detention orders and the same are as follows:



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HCP(MD)Nos.832, 834 & 862 of 2023

1 HCP:

No.2VBCOFGI886V/2023

Office of the
Commissioner of Police,
Madurai City, Madurai.
Dated: 12.04.2023.

Sub: Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Sexual Offenders, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act 1982 (Tamil Nadu Act 14/1982) - Detention of Silva @ Sivapriyan, male, aged 28/2023, s/o. Anandan, Iakkuvanar 2nd Street, Thirunagar, Madurai under Section 8 (1) of the Act - Grounds of Detention.

Silva @ Sivapriyan, male, aged 28/2023, s/o. Anandan, Iakkuvanar 2nd Street, Thirunagar, Madurai has come to adverse notice in the following cases:-

Sl. No.	Police station and Cr. No.	Section of Law	Disposal / Present stage of the case.
1.	W1 Thirunagar PS Cr.No. 118/2021	294 (b), 341, 307, 109 IPC altered into section 109, 294 (b), 307, 341, 34 IPC and section 25 (1-A) Arms Act 1959.	Swathi wife Anand is residing at 48, Mahatma Gandhi Street, located near Vasanth School, SRV Nagar, Madurai. On 04.04.2021, at about 1500 hrs, Swathi and her husband Anand were moving near the bridge located near the above said school, to go to their house, after visiting Thirunagar. At that time, Silva @ Sivapriyan, Tamilarasan @ Avetta Tamilarasan and Vigneshwaran, known on enquiry, who came there on a two-wheeler, waylaid the husband of Swathi, questioned him as to how he could speak in a wrong manner about the wife of their friend Mottanalai Sakthirajan and hence Sakthirajan sent them to murder him. Silva @ Sivapriyan attacked Swathi's husband on his head and right hand with a aruvai in his possession causing bleeding injury. On seeing this, Raja, Sundar and Surya, who were available nearby, came there and prevented them. Silva @ Sivapriyan attacked Raja with aruvai.

Read over and explained to him
Signed by him
Central Prison, Madurai.



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HCP(MD)Nos.853, 854 & 862 of 2023

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As Raja prevented the attack with his right hand, he sustained injury near right wrist. Thereafter, the said trio escaped from there. Immediately, Swathi took her husband and Raja in an auto-rickshaw to Government Hospital, Thirupattankundram, gave first aid and sent them to Government Rajaji Hospital, Madurai for further treatment. In this connection, on the complaint of Swathi, an FIR was registered.

In this case, Vigneshwaran s/o. Sasikumar, Siva & Shripriya s/o. Arundan and Tamilarasan & Anitta Tamilarasan were arrested on 07.04.2021, confession of Siva & Shripriya was recorded, his case properly proved was seized from him and remanded to judicial custody.

In this case, Vigneshwaran s/o. Sasikumar was granted conditional bail by the Principal Sessions Judge, Madurai in Cr.MP.No. 2343/2021 on 18.04.2021. Final report has been filed in this case and the same is pending trial before the court concerned in SC No.403/2022.

Uthayakumar s/o.Chandrasekar is residing at 8/1, Balaji Street, Pamban Nagar, Thirupattankundram, Madurai. On 06.03.2022, at morning 1000 hrs, when he was standing with his two-wheeler at Thirupattankundram, Avaniyapuram junction, Karthick, Vigneshwaran, who were well known to him, came there, threatened to give money for their expenses.

V1
Thirupattankundram
(Crime) PS
Cr.No.
100/2022

399, 307
IPC.

Read over and explained to him.
Signed by me,
Deputy Public Prosecutor



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Under the above context, on 20.01.2022 at about 1900 hrs, when Thanish and Sanathy, working in Anandan's shop were available in the said shop, Siva @ Sivapriyan, son of Anandan and Madhan, known on enquiry, came to the shop, on the instigation of Hemalatha, wife of Anandan, ransacked the shop due to above said previous enmity with a big sword and threatened them saying they would murder their proprietor and damaged the glass pane of a car (TN 58 AL 3782 Nissan) parked near Sathalakanni School and tried to attack Maheswaran s/o.Sorangapandi who was standing there after threatening him. As he bent down, he escaped from the attack. Thereafter, the said persons left from there. In this regard, based on the complaint of Anandan, an FIR was registered.

In this case, Madhan s/o.Vadivel and Siva @ Sivapriyan were arrested on 21.01.2022 remanded to judicial custody. In this case, Siva @ Sivapriyan s/o. Anandan was granted conditional bail by the Judicial Magistrate No 6, Madurai in Cr.MP.No.97/2022 on 25.01.2022. Final report has been filed in this case and the same is pending trial in CC No.1285/2022.

Sl. No. 147, 148,
Thirunagar 294 (b), 307,
PS Cr.No. 324, 34 IPC
227/2022

Krishnamoorthy s/o.Balaraman is residing at 164, Haripatti, Thirunagar, Madurai. On 03.07.2022 at 1730 hrs, Krishnamoorthy bought liquor from a wine shop at Chandrapalayam and when he was moving in front of Bell Bungalow located in Swan Kovi Sanel, Haripatti, Abbas @ Akash, Raju @ Sathya, Krishna and others were present to him.

Justice
Circuit, Trichy, Madurai.



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Sujal, Sarath @ Kedi Sarath, Siva @ Sivapriyan followed him and Abbas @ Akash attacked Krishnamoorthy with a sword, due to previous enmity. In drunken brawl between them, Krishnamoorthy prevented the attack with his right hand and sustained a big cut wound on his right hand. Sarath and Siva @ Sivapriyan pushed down Krishnamoorthy. Raja @ Singh Raja and Sujal sat on Krishnamoorthy and attacked on his head and back with beer bottle in their possession and hence Krishnamoorthy sustained bleeding injuries. As Krishnamoorthy raised alarm, the nearby persons rushed there. At that time, the said 5 persons moved away from there after threatening Krishnamoorthy with murder. Thereafter, Krishnamoorthy with the help of those available nearby boarded in an auto-rickshaw, went to Government Hospital, Thirupparankundam and took first aid. From there, he went to the Government Rajaji Hospital, Madurai and admitted as inpatient in Ward No.09 for further treatment. On information, the police personnel of Thirunagari PS went there and obtained the complaint statement of Krishnamoorthy. Based on that, an FIR was registered.

In this case, Siva @ Sivapriyan was arrested on 05.07.2022, committed to judicial custody. In this case, Siva @ Sivapriyan aka. Anandan was granted conditional bail by the Principal Sessions Judge, Madurai in Cr.MP.No. 3541/2022 on 10.08.2022. Final report had been filed in this case and the same is being processed in SI No.23/2023.

Chief Justice, Madurai



HCP(MD) Nov. 852, 854 & 862 of 2023

II НСР:

No.25/BCD/PG/SSV/2023

Office of the
Commissioner of Police,
Madurai City, Madurai.

Dated : 13.04.2023.

Subject: Tamil Nadu Prevention of Dangerous Activities of Bandits, Cyber Law Offenders, Drug Offenders, Forest Offenders, Sexual Offenders, Immoral Traffic Offenders, Sland Offenders, Sexual Offenders, Skin Offenders and Video Pirates Act 1982 (Tamil Nadu Act 14/1982). Detention of Vigneshwaran, male, aged 21/2023, s/o. Sankumar, 164, Sibi Vinayagar Kovil Street, Themparrankundram, Themparrankundram, Madurai under Section 3 (1) of the Act. Grounds of detention.

Vigneshwaran, male, aged 21/2023, s/o. Sankumar, 164, Sibi Vinayagar Kovil Street, Themparrankundram, Themparrankundram, Madurai has come to adverse notice in the following case:-

Sl. No.	Police station and Cr. No.	Section of Law	Disposal / Present state of the case.
1.	WI Themparragar PS Cr.No. 119/2021	294 (B), 245, 307, 109 IPC altered into section 108, 294 (B), 307, 341, 34 IPC and section 26 (1-A) Arms Act 1956.	Swathi w/o Arand K. residing at 48, Mahatma Gandhi Street, located near Vasanth School, SRV Nagar, Madurai. On 04.04.2021, at about 1500 hrs, Swathi and her husband Arand were moving near the bridge located near the above said school, to go to their house, after visiting Themparragar. At that time, Siva @ SivaPriyan, Tamilaraan @ Aswathi Tamilaraan and Vigneshwaran, known on enquiry, who came there on a two-wheeler, waylaid the husband of Swathi, questioned him as to how he could speak in a wrong manner about the wife of their friend Mahamudali Sakthiarajan and hence Sakthiaraja sent them to murder him. Siva @ SivaPriyan attacked Swathi's husband on his head and right hand with a metal in his possession causing bleeding injury. On seeing this, Raja Sunkar and Surya, who were available nearby came there and prevented them. Siva @ SivaPriyan and Surya were arrested and Swathi's husband was taken to hospital for treatment. Siva @ SivaPriyan attached Raja with enquired by him.

சென்னை கிராமிய சேவை மையம்
கொடைக்குளம் கிராமிய சேவை மையம்
தென்புள்ளாண்டிரம் கிராமிய சேவை மையம்
சென்னை கிராமிய சேவை மையம்
தென்புள்ளாண்டிரம் கிராமிய சேவை மையம்

தென்புள்ளாண்டிரம் கிராமிய சேவை மையம்
தென்புள்ளாண்டிரம் கிராமிய சேவை மையம்



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HCP(MD)Nos.892, 894 & 895 of 2023

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As Raja prevented the attack with his right hand, he sustained injury near right wrist. Thereafter, the said trio escaped from there. Immediately, Swathi took her husband and Raja in an auto-rickshaw to Government Hospital, Thirupparankundram, gave first aid and sent them to Government Rajaji Hospital, Madurai for further treatment. In this connection, on the complaint of Swathi, an FIR was registered.

In this case, Vigneshwaran s/o. Basilkumar, Siva @ Sheelkumar s/o. Anandan and Tamizhazhagan @ Ananta Tamizhazhagan were arrested on 01.04.2021, confession of Siva @ Sheelkumar was recorded, the case properly moved and sent for him and remanded to judicial custody.

In this case, Vigneshwaran s/o. Basilkumar was granted conditional bail by the Principal Sessions Judge, Madurai in Cr.MP.No. 2343/2021 on 15.04.2021. Final report has been filed in this case and the same is pending yet before the court concerned in SC No.403/2022.

Udayakumar s/o.Chandrasekar is residing at BH, B-24F, Street, Pamban Nagar, Thirupparankundram, Madurai. On 06.05.2022, at morning 1000 hrs, when he was standing with his two-wheelers at Thirupparankundram, Avaniyapuram Junction, Karthick, Vigneshwaran, who were well known to him, came there threatened to give money for their expenses.

VI
Thirupparankundram
(Crime) PS
Cr.No.
100/2022

302,307
IPC

சுவதி, மகன்
தமிழக உயர் நீதிமன்றம்
மதுரை
சுவதி, மகன்
தமிழக உயர் நீதிமன்றம்
மதுரை
சுவதி, மகன்
தமிழக உயர் நீதிமன்றம்
மதுரை

மதுரை சுவதி, மகன்
தமிழக உயர் நீதிமன்றம்
மதுரை



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As Udhayakumar refused to give money, Karthick took out a sword kept hidden in his back, placed it on his stomach and threatened to murder. At that time, Vigneshwaran robbed Rs.1000/- from his shirt pocket. Hence, Udhayakumar raised alarm. On hearing the scream of Udhayakumar, those available nearby came for help. Immediately, the said duo threatened them showing the sword saying if any one came closer, they would cut with the sword and murder them. Those came for help ran helter-skelter. The vehicle idlers came on that way turn back their vehicles and left. In these circumstances, Karthick and Vigneshwaran left their vehs aware towards Therparankundram. In this regard, based on the complaint of Udhayakumar, an FIR was registered.

In this case, Karthick and Vigneshwaran s/o. Sasikumar were arrested on 06.03.2022 and remanded to judicial custody. The case properties sword-1 and cash Rs.500/- were seized from Karthick under search. In this case, Vigneshwaran was granted conditional bail by the Principal Sessions Judge, Madurai in Cr.MP.No. 1374/2022 on 21.03.2022. The case is under investigation.

For the Public Prosecutor
Sd/-
06/03/2022
06/03/2022

Read over and certified to file
Sd/-
06/03/2022



H.C.P(MD)No.919 of 2023

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HCP(MD)Nov.852, 854 & 862 of 2023

III HCP:

W326BCDFG/S68SV7023

Office of the
Commissioner of Police,
Madurai City, Madurai
Dated - 13.04.2023

Sub: Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Gamblers, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Gamblers and Video Pirates Act 1982 (Tamil Nadu Act 14/1982) - Detention of Raja @ Singhi Raja, male, aged 21/2023, s/o, Gopi, 32/1, Viswakarma Nagar 1st Street, Thirupparankundram, Thirupparankundram, Madurai under Section 2 (1) of the Act - Grounds of detention.

Raja @ Singhi Raja, male, aged 21/2023, s/o, Gopi, 32/1, Viswakarma Nagar 1st Street, Thirupparankundram, Thirupparankundram, Madurai has come to adverse notice in the following cases:-

Sl. No.	Police station and Cr. No.	Section of Law	Disposal / Present stage of the case
1.	V1 Thirupparankundram PR Cr.No. 568/2022	841, 294 (b), 500 (b) IPC and section 3 Tamil Nadu Property (Prevention of Damage and Loss) Act 1992 section 341, 294 (b), 500 (b) IPC and section 3 Tamil Nadu Property (Prevention of Damage and Loss) Act 1992 and section 34 IPC and section 34 (2) the Juvenile Justice (Care and Protection of Children) Act, 2015	Shanmugavel s/o Gopalakrishnan residing at 173, SRV Nagar, Thirunagar, Madurai. On 28.04.2022, he went to St.Charless Higher Secondary School located in Thiruvalluvar Nagar for taking the school bus, as his friend and school bus driver Saw rock (name). He took the school bus bearing No.TN 60 BE 1545 from the school after boarding the children, at about 1720 hrs, he was moving on the bus near Thirupparankundram Thovar Statue located on Thirupparankundram Chivakapattar he alighting them. At that time, Dharmu @ Dharmakan s/o, David Raja, Raja @ Singhi Raja s/o Gopi and Nagarajan s/o. Marudurai of Thirupparankundram, known an enquiry wayide the bus. Shanmugavel stopped the bus by moving some distance. Immediately, Dharmu @ Dharmakan came to him questioned him as to why he was not stopping the bus immediately and

Read over and retained to bus
Report to J.J.C.
J.J.C.
Dated 13.04.2023



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147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

In this case, on 28.07.2022, Raja @ Singhi Raja s/o.Gopi surrendered before the Judicial Magistrate No.6, Madurai and remanded to judicial custody. In this case, Raja @ Singhi Raj s/o.Gopi was granted conditional bail by the Principal Sessions Judge, Madurai in CrIMP No.4084/2022 on 12.08.2022. Final report has been filed in this case and the same is pending trial in SC No.83/2023.



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16.In the light of the narrative, discussion and dispositive reasoning, we have no hesitation in accepting the argument of the learned Counsel for the petitioner that subjective satisfaction arrived at by the detaining authority *qua* imminent possibility of the detainees being enlarged on bail is clearly impaired. This means that the impugned preventive detention orders i.e., all three impugned preventive detention orders deserve to be dislodged in these habeas legal drills on hand.

17.Ergo, the sequitur is:

i) Captioned I HCP is allowed. Impugned preventive detention order dated 12.04.2023 bearing reference 23/BCDFGISSSV/2023 made by the second respondent is set aside and the detenu Thiru.Siva @ Sivapriyan, son of Thiru.Anandan, aged 28 years, is directed to be set at liberty forthwith, if not required in connection with any other case / cases.

ii) Captioned II HCP is allowed. Impugned preventive detention order dated 13.04.2023 bearing reference 25/BCDFGISSSV/2023 made by the second

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respondent is set aside and the detenu Thiru.Vigneshwaran, son of Thiru.Sasikumar, aged 21 years, is directed to be set at liberty forthwith, if not required in connection with any other case / cases.

iii) Captioned III HCP is allowed. Impugned preventive detention order dated 13.04.2023 bearing reference 26/BCDFGISSSV/2023 made by the second respondent is set aside and the detenu Thiru.Raja @ Singhi Raja, son of Thiru.Gopi, aged 21 years, is directed to be set at liberty forthwith, if not required in connection with any other case / cases.

There shall be no order as to costs.

[M.S.J.] & [R.K.M.,J.]
05.10.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
MR

PS: Registry to forthwith communicate this common order to Jail authorities in Central Prison, Madurai.

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2. There is no dispute or contestation that the points on which the aforementioned HCPs are allowed are available to the detenu in the captioned HCP also.

3. Ergo, the sequitur is, captioned HCP is allowed. Impugned preventive detention order dated 15.04.2023 bearing reference No.28/BCDFGISSSV/2023 made by the second respondent is set aside and the detenu Thiru.V.Madhan, Son of Thirvu.Vadivel, aged 22 years, is directed to be set at liberty forthwith, if not required in connection with any other case / cases. There shall be no order as to costs.

Index : Yes
Neutral Citation : Yes
vsm

(M.S.,J.) (R.S.V.,J.)
16.10.2023

P.S: Registry to forthwith communicate this order to Jail authorities in Central Prison, Madurai.



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M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

vsm

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner of Police,
Madurai City,
Madurai.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai.
- 4.The Inspector of Police,
Thiruparankumdrum Police Station,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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16.10.2023