

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA
AND
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.NO.219 OF 2018

Nagarajan

Vs

....

Petitioner

1. The State represented by its Secretary to Government
Prohibition and Excise Department
Fort St.George, Chennai 600 009.
2. The Commissioner of Police
Chennai City, Egmore, Chennai 600 008.

....

Respondents

For Petitioner : M/s.M.Bhaskar

For Respondents : Mr.R.Prathap Kumar,
Addl.Public Prosecutor

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records relating to the order of detention BCDFGISSSV No.746 of 2017 dated 27.11.2017 passed by the second respondent and to quash the same and also direct the detenu Hariharan S/o Nagarajan aged 21 years presently detained in Central Prison, Puzhal, Chennai to be produced before this Honourable Court and set him at liberty.

O R D E R

(Order made by Dr.S.VIMALA, J.)

Petitioner herein is the wife of the detenu Hariharan S/o Nagarajan aged 21 years. The detenu is in custody from 27.11.2017. The detention order is under challenge on the ground that the comparable parameters has not been taken into account or not relied upon by the detaining authority and therefore the subjective satisfaction arrived at will not be of any help to the detaining authority.

2. It is pointed out that three cases are relied upon in Para 3 of the detention order and those cases are not comparable to the facts of this case. It is also pointed out that in the first two cases, the detenu is already on bail and in respect of the third case, the bail application is pending.

3. We have perused the bail orders passed in CrI.M.P.No.728 of 2016 (Cr.No.75/2016) pending before the Principal Sessions Judge, Chengalpattu and CrI.M.P.No.2805 of 2015 (Cr.No.384/2015) pending before the Principal Sessions Court, Chennai. From those two orders, it is inferred by the detaining authority that this detenu is also likely to come out on bail. It is needless to mention that the facts in each of the case is unique and the facts available in one case may not be similar in another. Therefore, the subjective satisfaction arrived at by the detaining authority that the detenu in this H.C.P. will also come out on bail cannot be sustained.

4. On this short ground, the order of detention is quashed. The habeas corpus petition is allowed. The detenu, S Hariharan S/o Nagarajan aged 21 years is ordered to be set at liberty forthwith, unless his custody is otherwise required in any other case

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The State represented by its Secretary to Government
Prohibition and Excise Department
Fort St.George, Chennai 600 009.
2. The Commissioner of Police
Chennai City, Egmore, Chennai 600 008.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Joint Secretary to Government,
Public (Law & order)
Fort.st.George, Chennai-

5.The Public Prosecutor,
High Court, Madras-104

H.C.P.No.219 of 2018

RGN (CO)
GSP (14/09/2018)



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