

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.93 of 2020

Venkatesan @ Venkat

... Petitioner

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.
2. The Commissioner of Police,
Chennai City, Vepery,
Chennai 600 007.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in connection with the Order of Detention passed by the Second Respondent dated 21.08.2019 in BCDFGISSSVLr.No.520/2019 against the Petitioner namely Thiru Venkatesan @ Venkat, confined at Central Prison, Puzhal and set aside the same and direct the Respondents to produce the Detenu namely Thiru Venkatesan @ Venkat S/o.Kesavan, aged about 24 years before this Court and set the detenu at liberty.

For Petitioner : Mr.R.Narendren

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

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The Petitioner has challenged the detention order passed against him in Lr.No.520/BCDFGISSSV/2019 dated 21.08.2019 by the

Second Respondent as he has got two adverse cases registered against him.

3.Heard Mr.R.Narendren, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.It is seen from the records that the similar case referred in the grounds of detention Order in Paragraph No.4, regarding the imminent possibility of coming out on bail, is not similar in nature. Moreover, the detenu has not filed any bail petition. Therefore, there is non-application of mind on the part of the detaining authority while passing the Detention Order and the same vitiates, the detention order and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Lr.No.520/BCDFGISSSV/2019 dated 21.08.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Thiru Venkatesan @ Venkat S/o.Kesavan, aged about 24 years, who is confined at Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.

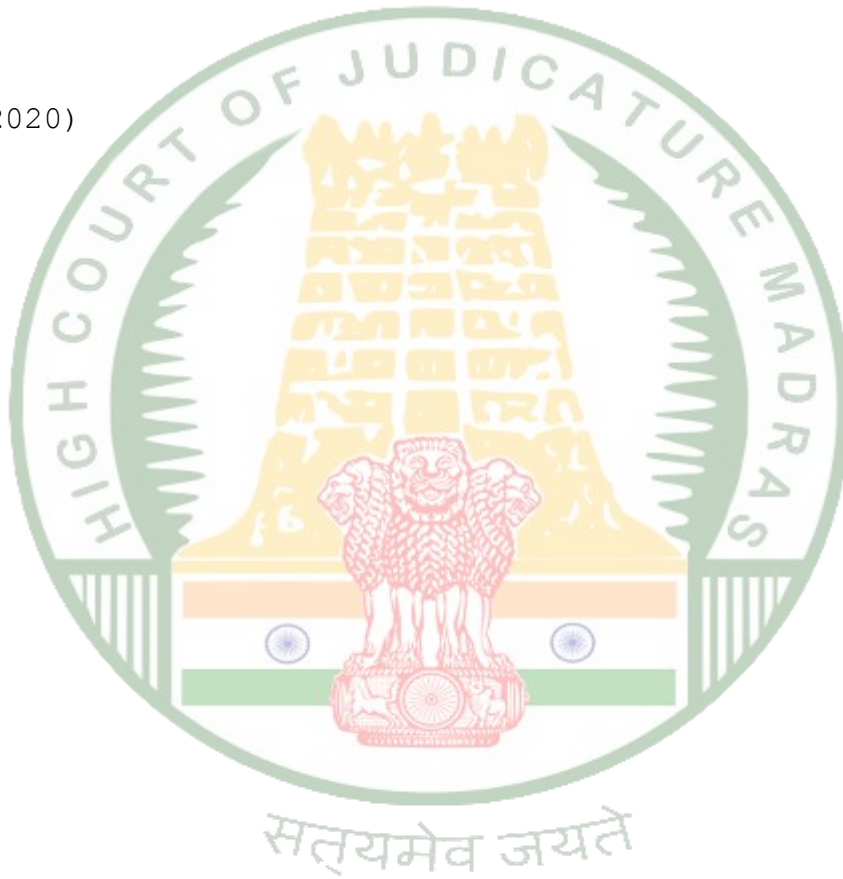
2. The Commissioner of Police,
Chennai City, Vepery,
Chennai 600 007.

3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

4. The Joint Secretary public (Law & Order),
High Court, Madras
5. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.93 of 2020

RLD(CO)
GS(16/09/2020)



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