



WEB COPY



H.C.P.No.1082 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19..12..2022

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The Honourable Mr. Justice **P.N.PRAKASH**  
and  
The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1082 of 2022

Rajan

..... Petitioner

-Versus-

- 1.The Secretary to Government,  
Home, Prohibition and Excise (XVI) Department,  
Fort St. George, Secretariat, Chennai 600 009.
- 2.The Commissioner of Police/Detaining Authority,  
Office of the Commissioner of Polcie/Detaining Authority,  
Coimbatore District.
- 3.The Superintendent of Prison,  
Central Prison at Coimbatore, Coimbatore 18.
- 4.The Inspector of Police,  
D-2, Selvapuram Police Station, Coimbatore District.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records in Detention order in C.No.33/G/IS/2022 dated 20.05.2022 on the file of the second respondent



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and set aside the same and direct the respondents herein to produce the body of the cousin brother of petitioner/detenu V.Ranjith Guru @ Kumki, S/o.Velusamy, aged about 27 years, now confined in Central Prison at Coimbatore before this Hon'ble Court and set him at liberty.

For Petitioner : Ms.R.Subadra Devi

For Respondents : Mr.R.Muniyapparaj,  
Additional Public Prosecutor

### **ORDER**

**[Order of the Court was made by P.N.PRAKASH.J.,]**

The petitioner is the brother of the detenu viz., V.Ranjith Guru @ Kumki, S/o.Velusamy. The detenu has been detained by the second respondent by his order in C.No.33/G/IS/2022 dated 20.05.2022, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



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3. The main ground that was urged by the learned counsel for the petitioner is that detaining authority was aware of the fact that the bail petition filed by the detenu before the Sessions Court was dismissed and the subsequent bail petition filed before this court was pending in CrI.O.P.No.11057 of 2022. In spite of the same, the detaining authority, came to a conclusion that there is likelihood of the detenue coming out on bail by relying upon the bail order of this court dated 23.08.2021 passed in CrI.O.P.No.14963 of 2021.

4. The learned counsel for the petitioner therefore submitted that the order that was relied upon by the detaining authority does not pertain to the similar cases and hence, the detention order suffers from non application of mind.

5. We have carefully gone through the bail order of this court dated 23.08.2021 passed in CrI.O.P.No.14963 of 2021. That was a case where the accused therein did not have any previous case against him and that apart, the injured in that case was discharged from the hospital and the accused



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person had also suffered incarceration for a long time. Whereas in the present case, there are three adverse cases against the detenu and the detenu is said to have stabbed the complainant on his right shoulder and hand and the injured was taking treatment in the hospital. In view of the same, the order that was relied upon by the detaining authority cannot be considered to be a similar case. Thus the impugned order of detention clearly suffers from non application of mind and the same is liable to be set aside on this ground.

**In the result,** the Habeas Corpus Petition is allowed and the order of detention in C.No.33/G/IS/2022 dated 20.05.2022, passed by the second respondent is set aside. The detenu, viz., V.Ranjith Guru @ Kumki, S/o.Velusamy, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)  
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Index: Yes/No  
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- 3.The Superintendent of Prison,  
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- 4.The Inspector of Police,  
D-2, Selvapuram Police Station, Coimbatore District.
- 5.The Joint Secretary to Government of Tamil Nadu,  
Public, Law and Order Department,  
Secretariat, Chennai – 9.
- 6.The Public Prosecutor, High Court, Madras.



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AND  
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