



HCP No.1379 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09..01..2023

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.1379 of 2022

J.Sopana
W/o.Jayamurugan

.. Petitioner

Vs.

1.State of Tamil Nadu,
Rep. By Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Police,
Chennai Police,
Chennai – 600 007.

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

4.The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai – 600 091.

.. Respondents



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Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to produce the detenu Jeyamurugan, S/o.Kulanthaivelu, aged about 42 years, residing at No.567, Ram Nagar, South 8th Street, Madipakkam, Chennai, was brand as Goonda by the order of detention passed by the 2nd respondent order Memo.No.BCDFGISSSV No.135/2022, dated 02.06.2022 who is confined at Central Prison, Puzhal and set him at liberty.

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by N.ANAND VENKATESH.J.,]

The petitioner is the wife of the detenu viz.,Jeyamurugan, Son of Kulanthaivelu. The detenu has been detained by the second respondent by his order in Memo.No.BCDFGISSSV No.135/2022, dated 02.06.2022 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 appellant is that detaining authority after being aware of the fact that the detenu has not moved any bail application, came to a conclusion that there is likelihood of his coming out of bail by relying upon Crl.M.P.No.10485 of 2021 on the file of the Principal Sessions Judge, Chennai.

4. The learned counsel for the petitioner, therefore, submitted that the order that was relied upon by the detaining authority is not a similar case. Hence, the order of detention suffers non application of mind.

5. We have carefully gone through the order passed by the learned Principal Sessions Judge, Chennai, in Crl.M.P.No.10485 of 2022. That was a case where the bail was granted to the accused therein on the ground that he had already suffered incarceration for more than 75 days and there was no previous case reported against him and also had taken into consideration the pandemic situation that was prevailing at that point of time. In the case on hand, there are no previous cases reported against the detenu and a bail application was not even moved by the detenu and hence, the order that was relied upon by the detaining authority cannot be considered to be a similar case. Thus the impugned detention order is liable to



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be set aside on this ground.

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In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo.No.BCDFGISSSV No.135/2022, dated 02.06.2022, passed by the second respondent is set aside. The detenu, viz., Jeyamurugan, Son of Kulanthaivelu, 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]
09..01..2023

Index: Yes/No
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To

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- 1.The Secretary to Government,
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Chennai - 600 009.
- 2.The Commissioner of Police,
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Chennai – 600 007.
- 3.The Superintendent of Police,
Central Prison,
Puzhal, Chennai.
- 4.The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai – 600 091.
- 6.The Public Prosecutor,
High Court, Madras.



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