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H.C.P.No.1230 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.1230 of 2023

Rajalakshmi
W/o Karthick

..

Petitioner

v.

1. The State of Tamil Nadu
represented by its Additional Chief Secretary to Government
Department of Home, Prohibition and Excise
Secretariat, Fort St.George
Chennai 600 009

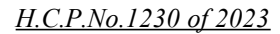
2. The Commissioner of Police
Chennai City Police, Greater Chennai
Commissioner Office, Vepery
Chennai 600 007

3. The Inspector of Police
C-1, Flower Bazaar Police Station
Chennai

4. The Superintendent of Prison
Central Prison-II
Puzhal, Chennai

..

Respondents



<https://www.mhc.tn.gov.in/judis>



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Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, learned counsel appearing for the petitioner pointed out from the booklet that the similar case relied upon by the detaining authority, is not similar to the case on hand. A reading of the order that was passed by the learned Principal Special Judge in CrI.M.P.No.662 of 2018 dated 31.08.2018 shows that bail was granted in that case after recording that the co-accused were released on bail and that the accused therein was in custody for more than 43 days. It was also recorded that there was no objection by the Special Public Prosecutor. However, a reading of the impugned detention order shows that the detaining authority has not applied his mind while coming to the conclusion that the detenu is likely to be released on bail in the ground case. Therefore, the subjective satisfaction suffers from non-application of mind



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and on that score, the impugned detention order is liable to be set aside.

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4. In view of the aforesaid reason, the detention order passed by the 2nd respondent dated 02.06.2023 in No.203/BCDFGISSSV/2023 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Karthick @ Tappa Karthick, S/o Sekar, aged 24 years, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

Index : yes/no

(S.S.S.R.,J.)

(S.M.,J.)

Neutral citation : yes/no

03.11.2023

SS

To

1. The Addl. Chief Secretary to Government
Department of Home, Prohibition and Excise
Fort St.George
Chennai 600 009

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

3. The Inspector of Police



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C-1, Flower Bazaar Police Station
Chennai

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4. The Superintendent of Prison
Central Prison-II
Puzhal, Chennai

5. The Public Prosecutor
High Court, Madras



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S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

SS

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