



H.C.P.No.1557 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1557 of 2023

Rani

... Petitioner

Vs.

1.State represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 9.

2.The Commissioner of Police,
Salem City.

3.The Superintendent of Prison,
Central Prison,
Salem.

4.The Inspector of Police,
Annadanapatty Police Station,
Salem City.

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus to call for the

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records in CMP.No.21/Goonda/Salem City/2023, dated 11.04.2023, on the file of the 2nd respondent and quash the detention as illegal and direct the respondents to produce the detenu, Boopathy, S/o.Arumugam, aged 23 years, 18/6, Tagore Street, Dadagapatty Salem, now confined at Central Prison at Salem, before this Honble court and set him at liberty forthwith.

For Petitioner : M/s.S.Sengkodi
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

The petitioner, cousin sister of the detenu Boopathy, S/o.Arumugam, aged 23 years, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 11.04.2023 slapped on her brother, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].



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

3. In the order of detention, the Detaining Authority has referred to the fact that the relative of the detenu is taking efforts to move bail application to take the detenu on bail in a similar case which is registered as Crime No.163 of 2023. However, this Court is unable to find any material for the conclusion reached by the Detaining Authority that the relative is taking efforts. The report of the Sponsoring Authority does not disclose any such information about the steps being taken. In the absence of any material, this Court finds that the conclusion reached by the Detaining Authority that the relative is taking efforts to move bail application to take the detenu on bail, is without any basis and suffers from non-application of mind.

4. In view of the aforesaid reason, the detention order passed by the 2nd respondent in CMP.No.21/Goonda/Salem City/2023, dated 11.04.2023 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz.,



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Boopathy, S/o.Arumugam, aged 23 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(S.S.S.R., J.) (S.M., J.)
10.10.2023

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 9.

2.The Commissioner of Police,
Salem City.

3.The Superintendent of Prison,
Central Prison,
Salem.

4.The Inspector of Police,
Annadanapatty Police Station,
Salem City.

5.The Public Prosecutor,
High Court, Madras.

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and
SUNDER MOHAN, J.

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