



H.C.P.(MD) No.1186 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

H.C.P.(MD) No.1186 of 2022

Lakshmi

... Petitioner

-VS-

1.The State of Tamil Nadu,
rep. by Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-9.

2.The Commissioner,
Office of the Commissioner of Police,
Madurai City,
Madurai.

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

4.The Inspector of Police,
C3-SS Colony Police Station,
Madurai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent in Detention Order in No. 47/BCDFGIISSSV/2022 dated 25.06.2022 and to quash the same and direct the respondents to produce the body or person of the detenu, Manikandan (aged 19) S/o.Anbuselvam, before this Court and set her at liberty, now detained at Central Prison, Madurai.

For Petitioner : Mr.S.Ayyanar Prem Kumar
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
AND
SUNDER MOHAN,J.

The mother of the detenu is before this Court seeking issuance of writ of habeas corpus petition and to quash the detention order slapped on her son Manikandan, aged 19 years.

2. Though several points were canvassed by the learned counsel for the petitioner to quash the detention order, we are convinced with one singular point



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that the detaining authority has not applied his mind properly since some cases referred by the detaining authority that there is a likelihood on getting bail is not a similar, factually. The case which has been compared is a case of murder for gain, wherein, in this case, the detenue has caused death of his co-employee due to previous enmity. Therefore, the ground of likelihood of bail or the satisfaction that there will be recurrence of the crime is not available, which vitiates the detention order on the ground of non application of mind.

3. In fine, the Habeas Corpus Petition is allowed. The detention order passed in No.47/BCDFGISSSV/2022, dated 25.06.2022, by the 2nd respondent, is set aside. Consequently, the detenu viz., Manikandan, S/o.Anbuselvam, aged about 19 years, who is now detained in Central Prison, Madurai, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

[G.J.,J.] [S.M.,J.]

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Index : Yes / No
Internet : Yes / No
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- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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