



H.C.P.(MD) No.1536 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1536 of 2022

Ragupathi

... Petitioner / Detenu

Vs.

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

2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Dindigul District,
Dindigul.

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

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the entire records, connected with the detention order of the Respondent No.2 in Detention Order No.74/2022 dated 15.08.2022 and quash the same and direct the Respondents to produce the body or person of the detenu by name Ragupathi, son of Tamilraj, aged about 29 years, now confined at Madurai Central Prison before this Honourable Court and set him at liberty forthwith.

For Petitioner : Mr.S.Ramesh Kumar

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The petitioner is the detenu. This Habeas Corpus Petition has been filed by her to call for the entire records connected with the detention order of the Respondent No.2 in Detention Order No.74/2022 dated 15.08.2022 and quash the same and direct the respondents to produce the body or person of the detenu by name Ragupathi, son of Tamilraj, aged about 29 years, now detained at Madurai Central Prison before this Court and set him at liberty forthwith.



2. Though various grounds have been urged on behalf of the petitioner by the learned counsel appearing for the petitioner, insofar as the subjective satisfaction on the part of the detaining authority is concerned, as usual, it has been stated that the petitioner / detenu likely to come on bail, such prospects is always well and if he comes out on bail he will indulge in similar activities and in that case, the public order cannot be effectively maintained in that area, therefore, the detenu cannot be dealt with by the regular punitive provisions of law and therefore, it become necessitated for the detaining authority to invoke the provisions of Act 14 of 1982.

3. In order to have such assertion that, certainly if the detenu comes out on bail, assuming if bail is granted, whether he will indulge in similar activities is concerned, absolutely there has been no material because there has been only a solitary case, which has been shown as a ground case, that is a case for the alleged offence punishable under Section 302 of I.P.C.

4. Therefore, for the said reason, merely based on the apprehension, it cannot be stated that, there will be a deterioration in the



H.C.P.(MD) No.1536 of 2022

public order in that locality, if the detenu comes out on bail, hence, that reason cannot be the sole basis for having a subjective satisfaction, hence, the reason given by the detaining authority has no legal basis and could not be sustainable.

5. In the result, the Habeas Corpus Petition is allowed. The order of detention passed by the second respondent, in Detention Order No. 74/2022 dated 15.08.2022, is set aside. Consequently, the detenu, namely, Ragupathi, son of Tamilraj, aged about 29 years, who is now detained at Central Prison, Madurai, is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case.

(R.S.K., J.) & (K.K.R.K, J.)
13.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

SJ

To

1. The Additional Chief Secretary to Government,
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Home, Prohibition and Excise Department,
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Chennai – 600 009.



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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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