



H.C.P(MD)No.2089 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.2089 of 2022

Sethupathi

.. Petitioner/ Detenu

Vs.

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition & Excise Department,
Fort St.George,
Chennai-600009.

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

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

.. Respondents

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



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detention order passed by the second respondent in No. 46/BCDFGISSSV/2022 dated 25.06.2022 and to quash the same and direct the respondents to produce the body or person of the detenu, Sethupathi, son of Arumugam, aged about 22 years, now detained as “Goonda” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

The detenu is before this Court seeking issuance of writ of habeas corpus petition and to quash the detention order slapped on him.

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 that the detaining authority has not applied his mind properly



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since some cases referred by the detaining authority that there is a likelihood of 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 detenu 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 vitiate 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.46/BCDFGISSSV/2022, dated 25.06.2022, by the 2nd respondent, is set aside. Consequently, the detenu viz., Sethupathi, son of Arumugam, aged about 22 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.] & [K.K.R.K.,J.]
21.02.2023

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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**DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.**

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