



WEB COPY



HCP.No.1814 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**  
**AND**  
**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

H.C.P.No.1814 of 2024

P.Gunasekaran

... Petitioner

*Vs.*

- 1 The Additional Chief Secretary,  
Government of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai-600 009.
- 2 The Commissioner of Police, Greater Chennai,  
Office of the Commissioner of Police,  
Vepery, Chennai 600007.
- 3 The Superintendent,  
Central Prison, Puzhal, Chennai 600066.
- 4 The Inspector of Police  
V-4, Rajamangalam Police Station,  
Chennai 600 099.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the second respondent herein and made in BCDFGISSSV No.530/2024, Dated 17.05.2024 and to set aside the same and direct the third respondent to produce the detainee, the petitioner's son, Nithishkumar son of Gunasekaran, now confined in Central Prison, Puzhal, Chennai.



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For Petitioner : Mr.M.Arivendan  
For Respondents : Mr.E.Raj Thilak  
Additional Public Prosecutor

### **ORDER**

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

The order of detention passed by the second respondent in BCDFGISSSV No.530/2024, Dated 17.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. There is no adverse case relied on by the detaining authority for invoking the preventive detention law. The similar bail order relied upon by the detaining authority has been passed by the Court of Sessions at Chennai, in CrI.M.P.Nos.18385 and 18431 of 2021 dated 21.10.2021. In the similar bail order, the Court observed that co accused was granted bail by the Hon'ble High Court and he produced the order copy before this Court. The petitioners are in custody for more than 80 days. Major portion of the investigation might have been completed by this time. Considering the above factual aspects and duration of the custody, the Court granted bail. However, the said circumstances would not arise in the case of the detenu in the present case. Thus, the comparisons made by the



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detaining authority are not applicable to the present case, which would result in non application of mind.

3.Thus, the impugned order of detention in BCDFGISSSV No.530/2024, Dated 17.05.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Nithishkumar son of Gunasekaran, aged about 23 years, now confined in Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

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Index : Yes/No  
Speaking Order : Yes/No  
Neutral Citation : Yes/No



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**S.M.SUBRAMANIAM, J.**  
**AND**  
**V.SIVAGNANAM, J.**

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To

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V-4, Rajamangalam Police Station,  
Chennai 600 099.
5. The Public Prosecutor,  
High Court, Madras.

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