



WEB COPY



HCP.No.1948 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM :

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

H.C.P.No.1948 of 2024

R.Dhevathanam

... Petitioner

Vs.

1. The Additional Chief Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 9.

2. The Commissioner of Police, Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai 600 007.

3. The Superintendent,
Central Prison, Puzhal, Chennai 600 066.

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, calling for the records pertaining to the order of detention passed by the second respondent herein and made in BCDFGISSSV-No.528/2024 dated 17.05.2024 and to set aside the same and directing the third respondent to produce the detenu, the petitioner's son, Rathinakumar, Son of Dhevathanam, now confined in Central Prison, Puzhal, Chennai before this Court and thereby setting him at liberty.



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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.528/2024 dated 17.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

2.The similar order where bail has been granted in Crl.M.P.Nos.18385, 18431 of 2021, dated 21.10.2021, has been relied upon by the detaining authority for invoking Act 14 of 1982. However, the similar case is dissimilar and not connected. The learned Principal Sessions Judge granted bail mainly on the ground that those petitioners were no way connected with the alleged offence and they have been falsely implicated in the case. Moreso, bail was granted in that case since co-accused was granted bail by the High Court in Crl.O.P.No.18051 of 2021, dated 07.10.2021. Thus, the reliance placed on by the detaining authority is not relevant and thus, there is no application of mind.

3.Accordingly, the impugned order of detention in BCDFGISSSV-



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No.528/2024 dated 17.05.2024 is quashed and the Habeas Corpus Petition stands

allowed. The detainee, namely, Thiru Rathinakumar, S/o.Dhevathanam, aged 22 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.]

11.09.2024

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To

1. The Additional Chief Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 9.
2. The Commissioner of Police, Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai 600 007.
3. The Superintendent,
Central Prison, Puzhal, Chennai 600 066.
4. The Inspector of Police,
V-4, Rajamangalam Police Station,
Chennai 600 099.
5. The Public Prosecutor,
High Court, Madras.

S.M.SUBRAMANIAM, J.
AND



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V.SIVAGNANAM, J.

sli

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