



HCP.No.1902 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

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

H.C.P.No.1902 of 2024

Sowrama

.... Petitioner

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai 600 009
- 2 The District Collector and District Magistrate,
Coimbatore,
Coimbatore District.
- 3 The Superintendent of Police,
Coimbatore,
Coimbatore District.
- 4 The Superintendent of Prison,
Central Prison-Coimbatore,
Coimbatore District.



HCP.No.1902 of 2024

5 State Rep. by its
The Inspector of Police,
PEW-Perur,
Coimbatore District.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the entire records relating to the relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 18.07.2024 on the file of the second respondent herein made in proceedings Memo Cr.M.P.No.42/B.L./2024 quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Mohammed Yosuf@ Salman S/o.Udhuman, aged about 21 years before this Hon'ble High Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner	: Mr. W. Camyles Gandhi
For Respondents	: Mr.E. Raj Thilak Additional Public Prosecutor

ORDER

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

The order of detention passed by the District Collector and District Magistrate, Coimbatore District, Coimbatore, in Cr.M.P.No.42/B.L./2024 dated 18.07.2024, is sought to be quashed in the present Habeas Corpus Petition.



HCP.No.1902 of 2024

2. The detaining authority relied on the similar bail order granted by the learned Judicial Magistrate, Mettupalayam in CrI.M.P.No.312 of 2024 and formed an opinion that there is likelihood of grant of bail to the detainee in the present case. However, a perusal of the similar case bail order would reveal that it was a statutory bail granted under Section 167(ii) of Cr.P.C. Thus, the detaining authority has not applied mind for the purpose of invoking Preventive Detention of Law.

3. Hence, for the aforesaid reason, the detention order passed by the second respondent in Cr.M.P.No.42/B.L./2024 dated 18.07.2024 is quashed and the Habeas Corpus Petition is allowed. The detainee, viz., Mohammed Yosuf@ Salman S/o.Udhuman, aged 21 years, now detained in the Central Prison, Coimbatore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

30.08.2024

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



HCP.No.1902 of 2024

WEB COPY

1. The Secretary to Government,
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Secretariat, Fort St. George,
Chennai 600 009.
- 2 The District Collector and District Magistrate,
Coimbatore,
Coimbatore District.
- 3 The Superintendent of Police,
Coimbatore,
Coimbatore District.
- 4 The Superintendent of Prison,
Central Prison-Coimbatore,
Coimbatore District.
- 5 The Inspector of Police,
PEW-Perur,
Coimbatore District.
6. The Joint Secretary to Government,
Public (Law & Order),
Fort St. George, Chennai.
7. The Public Prosecutor,
High Court, Madras.



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HCP.No.1902 of 2024

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

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H.C.P.No.1902 of 2024

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