



WEB COPY



HCP.No.1956 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM :

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

H.C.P.No.1956 of 2024

Saravanan

...

Petitioner

Vs

- 1 The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2 District Collector and District Magistrate of
Vellore District, Vellore.
- 3 The Superintendent of Prison
Vellore District, Vellore.
4. The Superintendent of Prison,
Central Prison, Salem.
- 4 The Inspector Of Police
Vellore North Crime Police Station,
Vellore District .

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Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention



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passed by the 2nd respondent dated 07.06.2024 in C3/D.O.No.31/2024 against the petitioner's Son Ganesh, Male, aged 24 years, S/o. Saravanan, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detainee before the Court and set him at liberty.

For Petitioner : Mr. D. Balaji

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 2nd respondent/The District Collector and District Magistrate of Vellore District, Vellore, in proceedings No.C3/D.O.No.31/2024 dated 07.06.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. The detaining authority in the impugned order has stated that Mr.Ganesh has not filed any bail application in any court in ground case in Vellore North Crime Police Station crime No.26/2024 under Section 394 IPC. As far as the ground case is concerned, in a similar case registered at Siva Kanchi Police



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Station Crime No.2162/2020 under Sections 294(b), 307, 392, 397, 506(ii) of IPC

bail was granted to the accused Thiru Perumal @ Bullet Perumal by the Court of District and Sessions Judge-II, Kanchipuram, in CrI,M.P.No.1191/2020 on 03.07.2020.

3. A perusal of the said similar case filed by Thiru. Perumal @ Bullet Perumal, the order indicates that in pursuant to the directions of the Hon'ble Supreme Court in a Suo Motu Petition (Civil) No.1/20 in Re: Contagion of COVID-19 Virus in prisons also. In view of the directions given by the High Power Committee appointed by the Hon'ble Supreme Court and in furtherance to the directions of the Hon'ble Chief Justice of the High Court vide letter dated 21.03.2020 and considering the need and necessity to ensure social distancing and thereby reducing the scope of spreading of the virus, the bail was granted. Such a ground relied on for grant of bail cannot be construed as similar case warranting consideration to invoke preventive detention law in the present case. Thus, the authority has not applied its mind while issuing the order impugned.



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4.Hence, for the aforesaid reason, the detention order passed by the 2nd respondent/The District Collector and District Magistrate of Vellore District, Vellore, in proceedings No.C3/D.O.No.31/2024 dated 07.06.2024, is quashed and the Habeas Corpus Petition is allowed. The detainee, viz., Ganesh, Male, aged 24 years, S/o. Saravanan, now confined at Central Prison, Vellore, 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.]

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

To

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- 3 The Superintendent of Prison
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6 The Public Prosecutor, High Court, Madras.



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