



WEB COPY



HCP.No.1965 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM :

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

H.C.P.No.1965 of 2024

Keerthana

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner of Police,
Greater Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

4.The Inspector of Police,
Law and Order,
H5 New Washermenpet Police Station,
Chennai.

... Respondents

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



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the order of detention passed by the second respondent dated 21.06.2024 in No.694/BCDFGISSSV/2024 against the petitioner's brother namely Ramesh @ Rangaraj, Male aged 23 years S/o. Govindaraj, who is confined at Central Prison, Puzhal, Chennai, and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at Liberty.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.E.Raj Thilak (For R1 and R2)
Additional Public Prosecutor

ORDER

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

The order of detention passed by the 2nd respondent in proceedings No.694/BCDFGISSSV/2024 dated 21.06.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The learned counsel for the petitioner would submit that the similar bail order referred by the detaining authority is dissimilar. In the similar case, two previous cases were relied on and accordingly a lenient view was taken and bail was granted. However, in the case of the detenue, eleven previous cases are pending and therefore the detaining authority has not applied mind.



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3.Two cases relied on are that Cr.No.161 of 2023 was registered under Section 8 (c) r/w 22 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 and second case in Cr.No.269 of 2024 was registered under Section 294 (b), 324, 397, 506 (ii) I.P.C. The said two cases would be insufficient to form an opinion that there is no likelihood of breach of public order. That apart the detenue has now filed an affidavit stating as follows:-

“4.I further submits that all the above cases which are all pending against me are cited above, that hereafter that I will attend the respective courts regularly, without fail (For charge sheet filed cases) and remaining cases after filing a charge sheet that I will co-operate the investigation and attend the respective courts regularly without fail.

5.I further submits that my literacy level is 5th STD, that earlier I'm working as a Boat Driver at Fishing Harbour, from that income that I'm pending the said amount for my livelihoods.

6.I further submits that I and my father was working in same boat by has driver, that my future avocation is also same.

7.I further submits that I assured that I won't indulged in any further offences, that I will co-operate with the investigation and complete pending the cases which are all pending against me, in meantime I will rehabilitate myself and I



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will concentrate in my Boat Driving Job, I won't indulge in any crimes in future at any cost, more particularly I won't nexus with the person who are all having bad antecedent.”

4. In view of the fact that the adverse cases and the ground case can be proceeded with under the law of the land. Preventive detention in this case may not be required to be continued.

5. Accordingly, the detention order passed by the second respondent in No.694/BCDFGISSSV/2024 dated 21.06.2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Ramesh @ Rangaraj, Male aged 23 years S/o.Govindaraj, who is confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

21.10.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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AND
V.SIVAGNANAM, J.

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To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.
- 2.The Commissioner of Police,
Greater Chennai.
- 3.The Superintendent of Prison,
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- 4.The Inspector of Police,
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H5 New Washermenpet Police Station,
Chennai.
- 5.The Public Prosecutor,
Madras High Court.

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