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H.C.P.No.2062 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2024

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

H.C.P.No.2062 of 2024

Raja

S/o Balusamy

.. Petitioner

v.

1. The Additional Secretary
Government of India
Ministry of Consumer Affairs,
Food and Public Distribution
(Department of Consumer Affairs)
Room No.270, Krishi Bhavan
New Delhi 110 001
2. The Secretary
Government of Tamil Nadu
Co-operation, Food and Consumer
Protection Department
Secretariat, Fort St.George
Chennai 600 009
3. The District Collector and District Magistrate
Ariyalur District, Ariyalur



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4. The Superintendent of Police
C.S.C.I.D.,
E.V.K.Sampath Building
474, Anna Salai, Nandanam
Chennai-35

5. The Superintendent
Central Prison, Tiruchirappalli

6. The Inspector of Police
CSCID, Tanjore Unit
Incharge, Ariyalur Unit

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the third respondent in his proceedings detention order C.M.P.No.01/BM/2024 dated 28.05.2024 and quash the same as illegal and produce the detenu Shanmugam, Male, aged 47, son of Samidurai, now he is confined in Central Prison, Thiruchirapalli before this Hon'ble Court and set him at liberty.

For Petitioner :: Mr.T.Muruganantham

For Respondents :: No appearance for R1
Mr.E.Raj Thilak
Additional Public Prosecutor
for R2 to R6

ORDER

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

The order of detention passed by the third respondent in proceedings C.M.P.No.01/BM/2024 dated 28.05.2024 is sought to be quashed in the



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present habeas corpus petition.

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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised by the petitioner, the detaining authority has relied upon the bail order passed in CrI.M.P.No.3817 of 2021 by the Principal Sessions Court, Tiruchirappalli in respect of the accused in similar case, which is not similar to the case on hand, as the bail was granted to the accused in similar case considering the Covid-19 pandemic. Therefore, the detention order is liable to be set aside on the sole ground that the subjective satisfaction of the detaining authority regarding the possibility of the detenu coming out on bail in the ground case, suffers from non-application of mind. Thus, we are inclined to interfere with the detention order.

4. In the light of the above, the detention order passed by the third respondent in C.M.P.No.01/BM/2024 dated 28.05.2024 is hereby set aside



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and the habeas corpus petition is allowed. The detenu viz., Shanmugam, S/o Samidurai, aged 47 years, who is presently undergoing detention in the Central Prison, Thiruchirappalli is directed to be set at liberty forthwith unless he is required in connection with any other case.

Index : yes

(S.M.S.,J.)

(V.S.G.,J.)

Neutral citation : yes/no

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SS

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7. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

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