



WEB COPY



HCP.No.2271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :

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

H.C.P.No.2271 of 2024

Kowsiya

... Petitioner/mother of detenu

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise(XVI) Department,
Secretariat, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.
4. The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, Call for the entire records connected with the detention order in BCDFGISSSV No.780 /2024 dated 23.07.2024 on the file of the respondent



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no.2 and quash the same and direct the respondents to produce the body and person of petitioner son one name Mr. Thameem Seelan @ Seelan , S/o. Thameen, aged about 27 years , now confined at Central Prison, Puzhal before this Court and set him at liberty forthwith.

For Petitioner : Mr. Muthamizh Selvakumar
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 Commissioner of Police, Greater Chennai, in BCDFGISSSV No.780 /2024 dated 23.07.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The learned counsel for the petitioner would submit that the detaining authority relied on the similar bail order passed by the Principal Special Judge, Special Court under EC & NDPS Act, Chennai in CrI.M.P.No.1414 of 2021, dated 04.06.2021, the bail was granted on the ground that there was no previous case as far as the said accused is concerned. However, in the present case, there are



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previous cases and therefore, there is no likelihood for grant of bail and thus, the similar case referred is dissimilar resulted in non application of mind on the part of the detaining authority.

3. Hence, for the aforesaid reason, the detention order passed by the second respondent in BCDFGISSSV No.780 /2024 dated 23.07.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Mr. Thameem Seelan @ Seelan, S/o. Thameen, aged 27 years, now confined at Central Prison, Puzhal, Chennai, 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.]

03.10.2024

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

mrp



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

mrp

To

1. The Secretary to the Government,
Home, Prohibition and Excise(XVI) Department,
Secretariat, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.
4. The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.

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