



WEB COPY



HCP.No.2354 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.2354 of 2024

Sobitha

... Petitioner / Mother of
the detenu

Vs.

1. State of Tamil Nadu
represented by Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Vellore District.
3. The Superintendent of Police,
Vellore District.
4. The Superintendent of Prison,
District Jail,
Villupuram.
5. State represented by
Inspector of Police,
Ariyoor Police Station,
Vellore.

... Respondents



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4. Mere registration of criminal case would provide no cause for invoking Act 14 of 1982. Likelihood of causing breach of public order is the essential element for the purpose of invoking preventive detention Law. Routine approach in detaining a person under preventive detention Law at no circumstances be appreciated.

5. In the present case, except the ground case registered under Section 302 of IPC, no adverse case has been relied on. Therefore, we are inclined to interfere.

6. For the aforesaid reasons, the detention order passed by the second respondent in proceedings C3/D.O.No.71/2024 dated 04.08.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Thejesh, aged 23 years, S/o. Nagaraj confined at District Jail, Villupuram 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.]
04.10.2024

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



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To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The District Collector and District Magistrate,
Vellore District.
4. The Superintendent of Police,
Vellore District.
5. The Superintendent of Prison,
District Jail,
Villupuram.
6. The Inspector of Police,
Ariyoor Police Station,
Vellore.
7. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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

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