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HCP.No.2434 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.2434 of 2024

Vijiyarani

... Petitioner/Wife of the
Detenu

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Kallakuruchi District,
Kallakuruchi.
3. The Superintendent of Police,
O/o.Superintendent of Police,
Kallakuruchi District.
4. The Superintendent of Prison,
Central Prison Cuddalore,
Cuddalore.



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5. The Inspector of Police,
Kachirampalaiyam Police Circle,
Kallakuruchi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order in D.O.No.C2/13/2024 dated 31.05.2024 on the file of the respondent No.2 and quash the same and direct the respondents to produce the body and person of petitioner husband one named Mr.Suresh, s/o. Chinraj, aged about 30 years now confined at Central Prison, Cuddalore before this Court and set him at liberty.

For Petitioner	: Mr.P.Muthamizhselvakumar
For Respondents	: Mr. E. Raj Thilak Additional Public Prosecutor

ORDER

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

The preventive detention order passed by the second respondent dated 31.05.2024 is sought to be quashed in the present habeas corpus petition.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.



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3. The learned Counsel for the petitioner would contend that the similar bail order relied on by the detaining Authority to invoke Act 14 of 1982 is dissimilar.

4. The Sessions Court, Villupuram in Criminal M.P.No.1366 of 2019 granted bail to the accused therein one Mr. Dhavamani on the ground that he had five adverse cases and the Police had initiated action to invoke preventive detention law against the said accused. However, action to invoke Act 14 of 1982 was dropped in the said case. Considering the said factor, the Sessions Court granted bail to the accused therein. However, in the present case, the detenu has already been detained under preventive detention law. Thus, the facts are not applicable, which resulted in non-application of mind on the part of the detaining Authority.

5. Since the bail was granted in the similar case on the ground that the action under Act 14 of 1982 was dropped, in the present case, the prevention detention action has been initiated and the detenu was detained. Thus, we are inclined to consider the present habeas corpus petition.



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6. Accordingly, the detention order passed by the second respondent in proceedings D.O.No.C2/13/2024 dated 31.05.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Suresh, aged 30 years, Son of Chinraj, confined at Central Prison, Cuddalore 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.]
19.10.2024

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



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To

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1. The Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat,
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,
Kallakuruchi District,
Kallakuruchi.
4. The Superintendent of Police,
O/o.Superintendent of Police,
Kallakuruchi District.
5. The Superintendent of Prison,
Central Prison Cuddalore,
Cuddalore.
6. The Inspector of Police,
Kachirampalaiyam Police Circle,
Kallakuruchi District.
7. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
V.SIVAGNANAM, J.

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