



WEB COPY



HCP.No.2475 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.2475 of 2024

Vijaya

... Petitioner/Mother of the
Detenu

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. District Collector and District Magistrate of
Ranipet District, Ranipet - 1.
3. The Superintendent of Police,
Ranipet District, Ranipet.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Arcot Taluk Police Station,
Ranipet District.

... Respondents



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3. No adverse case has been relied on against the detenu in the impugned detention order. The ground case reveals that due to some family dispute the alleged offence under Section 302 of Indian Penal Code has been committed. The said solitary case can be prosecuted based on the law of the land. Even in the event of grant of bail by the Court concerned, the Police Authorities may file an appropriate petition to cancel the bail or in alternate impose stringent conditions. Contrarily, invoking preventive detention law, in such cases would be unnecessary.

4. The very purpose and object of the preventive detention law is that the detaining Authority must subjectively satisfy that there is likelihood of causing breach of public order and in the absence of establishing the said factor, the order of detention cannot be sustained.

5. Accordingly, the detention order passed by the second respondent in proceedings B3/D.O.No.38/2024 dated 25.05.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Sathiyamurthy, aged 28 years, S/o. Siva, confined at Central Prison, Vellore



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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 Department,
Secretariat, Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. District Collector and District Magistrate of
Ranipet District, Ranipet - 1.
4. The Superintendent of Police,
Ranipet District, Ranipet.
5. The Superintendent of Prison,
Central Prison, Vellore.
6. The Inspector of Police,
Arcot Taluk Police Station,
Ranipet District.
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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