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H.C.P.No.2501 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM :

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

H.C.P.No.2501 of 2024

M.Kamatchi .. Petitioner

v.

1. The Addl. Chief Secretary to the Government
Government of Tamil Nadu
(Home) Prohibition & Excise Department
Secretariat, Fort St.George
Chennai 600 009

2. The Commissioner of Police
Office of the Commissioner of Police
(Goondas Section), Vepery
Chennai 600 007

3. The Superintendent of Prison
Central Prison, Puzhal
Chennai 600 066

4. The State rep.by
The Inspector of Police (Law & Order)
V-1, Villivakkam Police Station
Chennai

.. Respondents



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Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, calling for the entire records connected with the order of the 2nd respondent herein in Memo No.841/BCDFGISSSV/2024 dated 13.08.2024 passed against the petitioner's son of the detenu namely Thiru.Manjunadha, S/o Muniyappa, aged about 24 years, who is confined at Central Prison, Puzhal, Chennai-600 066 and set aside the same, consequently directing the respondents herein to produce the body and person of the detenu before this Hon'ble Court and set him at liberty forthwith.

For Petitioner :: Ms.R.Saritha

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The petitioner herein, who is the mother of the detenu, viz., Manjunadha, S/o Muniyappa, aged 24 years, now confined at Central Prison, Puzhal, Chennai has come forward with this petition challenging the detention order passed by the second respondent in No.841/BCDFGISSSV/2024 dated 13.08.2024.



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

3. The similar bail order relied on by the detaining authority is dissimilar. In the similar bail order, the case was registered for the offences under the Bharatiya Nyaya Sanhita, 2023, whereas the detenu was arrested in the ground case for the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002 and other offences under the Bharatiya Nyaya Sanhita, 2023. Since the detaining authority has failed to apply his mind for the purpose of issuing the impugned order of detention against the detenu, we are inclined to consider the present petition.

4. Accordingly, the detention order passed by the second respondent in No.841/BCDFGISSSV/2024 dated 13.08.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Manjunadha, S/o Muniyappa, aged 24 years, now confined at Central Prison, Puzhal is



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directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

Index : yes

(S.M.S.,J.)

(V.S.G.,J.)

Neutral citation : yes/no

28.10.2024

SS

To

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5. The Public Prosecutor
High Court, Madras



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