



H.C.P.No.2531 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.2531 of 2024

R.Rani

W/o Krishnan

..

Petitioner

v.

1. The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George
Chennai 600 009
2. The District Magistrate and District Collector
Dharmapuri District, Dharmapuri
3. The Superintendent of Police
Dharmapuri District, Dharmapuri
4. The Superintendent of Prison
Special Prison for Women - Coimbatore
Coimbatore District
5. State rep.by its
The Inspector of Police
Mahendramangalam Police Station
Dharmapuri District

..

Respondents



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Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, to call for the entire records relating to the petitioner's daughter detention under Tamil Nadu Act 14 of 1982 vide detention order dated 10.09.2024 on the file of the second respondent herein made in proceedings S.C.No.30/2024/C1, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's daughter namely Karpagam, W/o Vijayakumar, aged 39 years, before this Hon'ble High Court and set the petitioner's daughter at liberty from detention, now the petitioner's daughter detained at Special Prison for Women, Coimbatore.

For Petitioner :: Mr.J.Jayan for Mr.W.Camyles Gandhi

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 detenue, viz., Karpagam, W/o Vijayakumar, aged 39 years, now confined at Special Prison for Women, Coimbatore has come forward with this petition challenging the detention order passed by the second respondent in S.C.No.30/2024/C1 dated 10.09.2024.



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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 learned counsel for petitioner would submit that the similar bail order relied on by the detaining authority is dissimilar and on this ground, the impugned order is to be quashed.

4. A perusal of the booklet supplied to the detainee would show that the accused in similar case was granted bail on the ground that the investigation was completed. However, no such circumstance arises in the case of the detainee and thus the detaining authority failed to apply her mind while passing the impugned order of detention. Thus we are inclined to interfere with the impugned order.

5. Accordingly, the detention order passed by the second respondent in S.C.No.30/2024/C1 dated 10.09.2024 is hereby set aside and the habeas corpus petition is allowed. The detainee viz., Karpagam, W/o Vijayakumar, aged 39 years, now confined at Special Prison for Women, Coimbatore is



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directed to be set at liberty forthwith, unless her 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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6. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

V.SIVAGNANAM,J.

SS

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