



HCP.No.2687 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2687 of 2024

R.Latha Maheswari

... Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise (XVI) Dept
Fort St.George, Secretariat, Chennai - 600 009.

2.The Commissioner of Police/Detaining Authority
Office of the Commissioner of Police, Coimbatore City.

3.The Superintendent of Prison
Central Prison, Coimbatore

4.The Inspector of Police,
E2 Peelamedu Police Station,
Coimbatore

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in detention order in No.C.No.95/G/IS/2024 dated 08.08.2024 on the file of the 2nd respondent and set aside the same and direct the respondents herein to produce the



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body of Son of the petitioner/detenu Mr.R.Jegath Hari @ Sakthi s/o.Ramarajan aged 21 years now confined in Central Prison at Coimbatore before this Court and set him at liberty.

For Petitioner : M/s.R.Subadra Devi

For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor

ORDER

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

The order of detention passed by the 2nd respondent in proceedings No.C.No.95/G/IS/2024 dated 08.08.2024 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.

3. The learned counsel for the petitioner submitted that similar bail order relied on by the detaining authority for issuing impugned order passed by the Judicial Magistrate No.III, Coimbatore in CrI.MP.No.4565 of 2019 is dis-similar.



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4. In the similar case, statutory bail was granted under Section 167(2) Cr.P.C. However, in the present case, the said bail order has no application and therefore the order impugned was passed without application of mind. The adverse case registered and the ground case can be dealt with under the regular penal laws.

5. Accordingly, the detention order passed by the second respondent in No.C.No.95/G/IS/2024 dated 08.08.2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Mr.R.Jegath Hari @ Sakthi s/o.Ramarajan aged 21 years now confined in Central Prison at Coimbatore is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

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Fort St.George, Secretariat, Chennai - 600 009.

2.The Commissioner of Police/Detaining Authority
Office of the Commissioner of Police, Coimbatore City.

3.The Superintendent of Prison
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4.The Inspector of Police,
E2 Peelamedu Police Station,
Coimbatore

5.The Public Prosecutor,
Madras High Court.

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