



WEB COPY



HCP.No.2695 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM :

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

H.C.P.No.2695 of 2024

Kanagavalli

... Petitioner /detenu's mother

Vs

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

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the 2nd respondent dated 20.09.2024 in C3/D.O.No.89/2024 against the petitioner Son Badhri, Male aged 23 years S/o. Dhina @ Dineshkumar, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr. P. Raman
For Respondents : Mr.R. Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent in No.C3/D.O.No.89/2024, dated 31.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The learned counsel for the petitioner would submit that the similar bail order relied on by the detaining authority is dissimilar.



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3. Bail in the similar case was granted on the ground of Covid-19 and such circumstances would not arise in the case of the detenu. Thus, the reference made resulted in non application of mind.

4. In view of the facts and circumstances, we do not find any compelling reasons for invoking Act 14 of 1982 and consequently, we are inclined to consider the present petition.

5. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.C3/D.O.No.89/2024, dated 31.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Badhri, S/o. Dhina @ Dineshkumar, aged 23 years, now confined at Central Prison, Vellore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
05.12.2024

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



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

mrp

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. District Collector and District Magistrate of
Vellore District, Vellore.
3. The Superintendent of Police,
Vellore District, Vellore.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Vellore North Police Station,
Vellore District.
6. The Public Prosecutor,
High Court, Madras.

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