



H.C.P.No.2694 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2694 of 2024

Monisha

.. Petitioner
/Wife of the detenue

v.

1. The Secretary to 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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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 second respondent dated 20.09.2024 in C3/D.O.No.90/2024 against the petitioner Husband Dhamothiram @ Dhamu, Male aged 28 years S/o.Mohan, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenue before the Court and set him at liberty.

For Petitioner :: Mr.D.Balaji
For Respondents :: Mr.R.Muniyapparaj
Additional Public Prosecutor
for R1 to R5

ORDER

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

The petitioner/ wife of the detenue has come forward with this petition challenging the detention order passed by the second respondent in proceedings No.C3/D.O.No.90/2024 dated 20.09.2024.

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



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3. The learned Additional Public Prosecutor⁵ would submit that the similar bail order relied upon by the detaining authority is dissimilar since the Sessions Court, Judicial Magistrate IV, Vellore, granted bail in the similar case on the ground that no previous case was pending against the accused in that case and co-accused was released. However, the said facts are not applicable to the case of the detenue, since the detenue has got several adverse cases registered under IPC, more specifically for the alleged offence of theft.

4. We are of the considered opinion that those adverse cases registered under Section 380 IPC can be dealt with under the regular penal law. It is brought to the notice of this Court that the bail applications are not filed by the detenue in respect of ground case. If at all any such bail application is filed, the police authorities may file objections or request the Court for imposing stringent conditions. However, invoking Act 14 of 1982, in the present case would not fall under the requirement which is contemplated for invoking preventive detention law.



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5. Thus, the detention order passed by the second respondent in proceedings No.C3/D.O.No.90/2024 dated 20.09.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Dhamothiran @ Dhamu, S/o.Mohan, aged 28 years, now confined at Central Prison, Vellore, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

Index : yes

(S.M.S.,J.)

(M.J.R.,J.)

Neutral citation : yes/no

28.11.2024

rka

To

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Vellore District.
6. The Public Prosecutor
High Court, Madras



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