



WEB COPY



HCP.No.2697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

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

H.C.P.No.2697 of 2024

Chinnapillai

...Petitioner /mother of the detenu

Vs

1. State rep. by
Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
2. The Commissioner of Police,
Salem City,
Salem.
3. The Superintendent of Prison,
Central Prison,
Salem.
4. The Inspector of Police,
NIB CID Unit,
Salem.

... Respondents



HCP.No.2697 of 2024

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 detention order passed by the 2nd respondent dated 03.09.2024 in CMP NO.65/Drug Offender/Salem City/2024 against the petitioner's son Jeevanantham, age 37 years S/o. Kaveri, who is confined in Central Prison, Salem and set aside the detention order and direct the respondents to produce him before this Court and set him at liberty.

For Petitioner : Mr. L. Ramanathan
For Respondents : Mr.E. Raj Thilak
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 CMP NO.65/Drug Offender/Salem City/2024 dated 03.09.2024 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 since in the similar bail order, the Court granted bail under Section 167(2) Cr.P.C. However, in the present case, no such circumstances arose.



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3. The dissimilarity traceable in the similar bail order relied on by the
detaining authority resulted in non application of mind.

4. Hence, for the aforesaid reason, the detention order passed by the second
respondent in CMP NO.65/Drug Offender/Salem City/2024 dated 03.09.2024 is
quashed and the Habeas Corpus Petition is allowed. The detenu, viz.,
Jeevanantham, age 27 years, S/o. Kaveri, confined in Central Prison, Salem, 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.]

14.11.2024

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 Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
2. The Commissioner of Police,
Salem City,
Salem.
3. The Superintendent of Prison,
Central Prison,
Salem.
4. The Inspector of Police,
NIB CID Unit,
Salem.
5. The Public Prosecutor,
High Court, Madras.

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