



DATED : 03.12.2024

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

H.C.P.No.2742 of 2024

- 1 The Secretary To Government
Co-operation Food And Consumer Production
Department, 2nd Floor, Namakkal Kavingar
Maligai, Secretariat, Fort St.George,
Chennai - 600 009.
- 2 The District Collector And
District Magistrate, Coimbatore District,
Coimbatore - 18.
- 3 The Additional Secretary
Government Of India, Ministry Of Consumer
Affairs, Food And Public Distribution,
(Depart. Of Consumer Affairs), Room No.270,
Krishi Bhawan, New Delhi – 110 001.
- 4 The Superintendent Of Police
Coimbatore, Coimbatore District.
- 5 The Superintendent Of Prison,
Central Prison-Coimbatore,
Coimbatore District.



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6 State Rep.by Its
The Inspector Of Police,
CSCID- Pollachi, Coimbatore District.
Cr.No.276/2024.

... RESPONDENTS

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the entire records relating to the petitioner's husband detention under EC Act, 1980 (Central Act 7 of 1980) vide detention order dated 11.10.2024 on the file of the second respondent herein made in proceedings in Cr.M.P.No.60/BM/2024 quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely Miltonraja S/o. Dickson aged 38 yrs before this Honble Court and set the petitioner's husband at Liberty from detention now the petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner	: Mr.W.Camyles Gandhi
For Respondent	: Mr.R. Muniyapparaj
Nos.1 & 2 & 4 to 6	Additional Public Prosecutor
For Respondent	: Mr.K.Subbu Ranga Bharathi
No.3	

ORDER

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

The order of detention passed by the second respondent in Cr.M.P.No.60/BM/2024 dated 11.10.2024 is sought to be quashed in the present Habeas Corpus Petition.



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2. Five adverse cases are relied on for issuing the impugned order of detention. The first adverse case in Crime No.199 of 2020 was registered on 24.11.2020. The second adverse case in Crime No.180 of 2021 was registered on 14.07.2021. The third adverse case in Crime No.22 of 2022 was registered on 26.01.2022. The Fourth adverse case in Crime No.39 of 2023 was registered on 20.02.2023 and the fifth adverse case in Crime No.55 of 2023 was registered on 09.03.2023.

3. The first three adverse cases had no close proximity with the ground case. Remaining two cases are registered in the year 2023 and all the adverse cases were registered under Essential Commodities Act.

4. The learned counsel appearing for the petitioner would submit that the similar bail order relied on by the detaining authorities is dissimilar. In the similar order, the Court granted Anticipatory bail. However, in the present case, no such petition was filed nor the similar case is comparable. Therefore, the reliance placed on for issuing the impugned order is not correct and therefore, the present petition is to be considered.



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5. On perusal of the similar bail order is an anticipatory bail granted by the Court concerned and therefore, the authority is not apply their mind for issuing the impugned detention order. Other cases can be dealt with under the regular law penal.

6. Hence, for the aforesaid reason, the detention order passed by the second respondent in Cr.M.P.No.60/BM/2024 dated 11.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Miltonraja S/o. Dickson, aged 38 yrs, now detained at Central Prison, Coimbatore, 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.]
03.12.2024

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

sms

To

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M.JOTHIRAMAN, J.

sms

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