



HCP.No.2994 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM :

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

H.C.P.No.2994 of 2024

Bhavani

... Petitioner

Vs.

1.The State rep by its
Home Secretary to the Government of Tamil Nadu
Home, Prohibition and Excise Department
Fort St George, Chennai – 9.

2.The Commissioner of Police
Avadi City, Avadi.

3.The Inspector of Police
M7 Manali New Town Police Station,
Tiruvallur.

4.The Superintendent of Prison
Central Prison, Puzhal.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Habeas Corpus, to call for the records relating to the
detention order passed by the 2nd respondent dated 28.06.2024 in



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No.93/BCDFGISSSV/2024 against the petitioner's niece the detenue Anbu male aged about 29 years s/o.Natarjan who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner : Mr.P.Ponbalaji

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 second respondent in proceedings No.93/BCDFGISSSV/2024 dated 28.06.2024 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. Three adverse cases are relied upon registered under Section 457 and 380 IPC. The ground case is also registered under Section 397 IPC. The detenue was arrested on 05.06.2024 and the impugned detention order



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was passed on 28.06.2024. The detenu is in actual imprisonment under the preventive detention law for six months.

4. The preventive detention law is only a precaution measure, if the detaining authority found an opinion that there is likelihood of causing breach of public order. Therefore, keeping the detenu under preventive detention law for longer period would do no service to the cause of justice, contrary his personal liberty under the Constitution is infringed. For the aforesaid reasons, we are inclined to interfere with the impugned detention order.

5. Accordingly, the detention order passed by the second respondent in proceedings No.93/BCDFGISSSV/2024 dated 28.06.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Anbu S/o.Natarajan aged 29 years, now confined at Central Prison, Puzhal 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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5.The Public Prosecutor
High Court Madras.



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