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H.C.P.(MD) Nos.1498 and 1504 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.02.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

H.C.P.(MD) Nos.1498 and 1504 of 2023

1.G.Vijay	... Petitioner/Detenu in H.C.P(MD)No.1498 of 2023
2.Nagaraj	 Petitioner/Detenu in H.C.P(MD)No.1504 of 2023

-VS-

1.The Principal Secretary to the Government,
State of Tamil Nadu,
Prohibition and Excise Department,
Chennai – 9.

2.The Commissioner of Police,
Madurai City,
Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

... Respondents in both H.C.Ps'

PRAYER in H.C.P(MD)No.1498 of 2023 : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus calling for the entire records connected with the detention order of the second respondent vide No.43/BCDFGISSSV/2023, dated 29.05.2023 and to quash the same and to direct the respondents to produce the body and

1/6



H.C.P.(MD) Nos.1498 and 1504 of 2023

person of the detenu named as Vijay, son of Ganesan@ Naaibadu Ganesan, aged 24 years, now confined in Central Prison, Madurai before this Court and set him at liberty forthwith.

PRAYER in H.C.P(MD)No.1504 of 2023 : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus calling for the entire records connected with the detention order of the second respondent vide No.44/BCDFGISSSV/2023, dated 29.05.2023 and to quash the same and to direct the respondents to produce the body and person of the detenu named as Nagaraj, son of Nehrurajan, aged 23 years, now confined in Central Prison, Madurai before this Court and set him at liberty forthwith.

For Petitioner : Mr.A.Raja
in both H.C.Ps'

For Respondents : Mr.S.Ravi,
in both H.C.Ps' Addl.Public Prosecutor

COMMON ORDER

DR.G.JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.

These Habeas Corpus Petitions are filed by the detenus to quash the detention orders, dated 29.05.2023 on the ground that the detaining authority has not applied his mind properly to the records before passing the order of detention.



WEB COPY

H.C.P.(MD) Nos.1498 and 1504 of 2023

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The reason for such allegation is that in the ground case in connection with a murder of one Thangaraj whose body was recovered from the bank of Vaigai river was initially registered based on the complaint given by the mother of the deceased for man missing under Section 174 of Cr.P.C after two days of his missing. Thereafter, the respondent Police has arrested four persons including the Petitioners herein, as accused.The statement of the defacto complainant after registration of the complaint for man missing implicates these Petitioners and others in the offence. But there is no reason provided by the detaining authority to justify two days delay. Further the said occurrence which is subject-matter of the ground case to detain the Petitioners does not relates to any public order or safety, which is the fundamental requirement to invoke the provisions of Act 14 of 1982 and detain the persons preventively.

4.The similar case referred to in the detention orders is not similar either on facts or on law. In that case when self defense was pleaded, the accused was granted bail and that such case has been referred to as similar case to the ground case to infer likelihood of granting bail.



WEB COPY

H.C.P.(MD) Nos.1498 and 1504 of 2023

5.A detailed counter has been filed by the State indicating that it is a case of retaliatory murder out of gang rivalry and that the victim who was released in connection with another murder case and was done to death which could cause fear in the minds of the general public. Further, the very scene of crime is sufficient to draw inference that the act has caused disturbance to the maintenance of public order and safety.

6.This Court, perusing the records and reasons stated in the detention orders, finds no reason to interfere with the detention orders, since it is well fortified by records and reasons which warrants preventive detention of the accused persons to keep public order and safety. Accordingly, both the Habeas Corpus Petitions are devoid of merits.

7.Accordingly, the Habeas Corpus Petitions stand dismissed.

[G.J.,J.] [C.K.,J.]

22.02.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To:

1.The Principal Secretary to the Government,
State of Tamil Nadu,

4/6



H.C.P.(MD) Nos.1498 and 1504 of 2023

Prohibition and Excise Department,
Chennai – 9.

- 2.The Commissioner of Police,
Madurai City,
Madurai.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.G.JAYACHANDRAN,J.
AND
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vsn

COMMON ORDER MADE IN

H.C.P.(MD) NoS.1498 AND 1504
of 2023

22.02.2024