



WEB COPY

HCP No. 345 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 345 of 2026

Irudhaiya Meri
W/o.kuselan,

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Inspector of Police,
N-1 Royapuram police station, chennai.

..Respondent(s)

Habeas Corpus Petition filed under Article 226 of Constitution of India to issue a writ of Habeas Corpus or any other writ or order in the nature of writ or order in the nature of writ to call for the records in connection with the order of detention passed by the second respondent dated 12.12.2025 in No.1053/BBCDEFGISSSV/2025 against the petitioner's son namely Thiru.Aravind, male aged 31 years, S/o.Kuselan, who is confined at central prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at liberty and pass



such further or other orders as this court may deem fit and proper in the circumstances of the case.

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For Petitioner(s): Mr.S.Senthilvel

For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl.side)

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The petitioner, the mother of the detenu Aravind, male aged 31 years, S/o.Kuselan, has come forward with this petition challenging the detention order passed by the second respondent dated 12.12.2025 bearing reference No.1053/BBCDEFGISSSV/2025 slapped on him, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non- application of

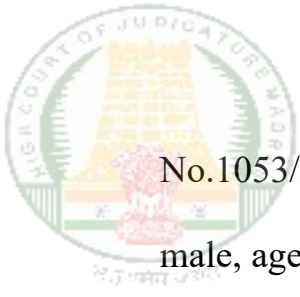


mind on the part of the detaining authority in arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail while passing the impugned order of detention.

4. The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case and two adverse cases and the detaining authority while passing the impugned detention order has arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a bail order dated 04.06.2021 in CrI.M.P.No.1414 of 2021 wherein bail was granted to one Vasu @ Vasudevan.

5. In this regard, the learned counsel drew the attention this Court to order in CrI.M.P.No.1414 of 2021, which is enclosed at Page No. 106 of Volume II of the booklet. A careful perusal of the said order, brings to light that in the said in the said case, there is no previous against the accused whereas in the instant case, there are two adverse cases against the detenu. Therefore, taking said bail order as a basis for arriving at subjective satisfaction regarding the imminent possibility of detenu being enlarged on bail shows clear non-application of mind. Therefore, the impugned preventive detention order deserves to be dislodged.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 12.12.2025 bearing reference



No.1053/BBCDEFGISSSV/2025 is hereby set aside. The detenu viz., Aravind, male, aged 31 years, S/o.Kuselan, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
13-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

gpa

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The State Rep. by
The Inspector of Police,
N-1 Royapuram police station, Chennai.
5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
6. The Public Prosecutor
High Court, Madras.



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**N.SATHISH KUMAR, J.
AND
K.RAJASEKAR, J.**

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