

HCP No.2507 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

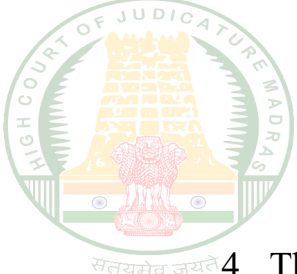
HCP No.2507 of 2025

Deepa
W/o.Sundar,
No.64/10, Muthumariyamman Kovil Street,
Korukkupettai, Vannarapettai,
Chennai - 600 021.

...Petitioner/Mother of
the Detenue

Vs

1. State of Tamil Nadu
Represented by Additional
Chief Secretary,
Home, Prohibition and
Excise Department,
Fort St.George.
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai District.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.



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4. The Inspector of Police,
H-6, Dr.R.K.Nagar Police
Station,
Chennai District.
Cr.No.632/2025.

Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the Detention order vide Memo No.908/BBCDEFGISSSV/2025 Dated 04.11.2025 passed by the second respondent and quash the same and direct the respondents herein to produce petitioner's son namely Vinothkumar, aged about 23 years, S/o.Sundar (who is now confined in Central Prison, Puzhal) before this Court, and set him at liberty.

For Petitioner:

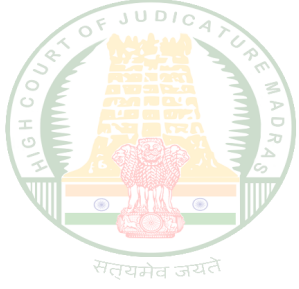
Mr.P.Krishnakumar

For Respondents:

Mr.C.R.Malarvannan

Counsel for Government of Tamil Nadu
(Criminal Side)**ORDER****(Order of the Court was made by Sunder Mohan J.)**

The mother of detenu - Vinothkumar, aged 23 years, S/o.Sundar, has filed this petition challenging the detention order dated 04.11.2025, branding him as a 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).



2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for respondents.

3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. In the grounds of detention, the detaining authority has stated that the detenu had filed a bail application in Crl.M.P.No.10476 of 2025 before the Principal Sessions Court, and the same is pending; and that in a similar case, bail was granted to some other accused by the Court of learned Principal Sessions Judge, Chennai, in Crl.M.P.No.20525 of 2024 on 29.07.2024.

5. The detaining authority ought to have seen whether the facts in the bail order relied upon by him were comparable to the facts of the instant case. In the order relied upon by the detaining authority, there are seven previous cases pending as against the accused therein, whereas, in



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this case, the detenu has sixteen previous cases. Therefore, the reliance placed by the detaining authority on the said order in CrI.M.P.No.20525 of 2024 dated 29.07.2024, vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail. Hence, the detention order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.908/BBCDEFGISSV/2025 dated 04.11.2025, is set aside.

7. The detenu, viz., Vinothkumar, aged 23 years, S/o.Sundar, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
13-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Note: Issue order copy today.
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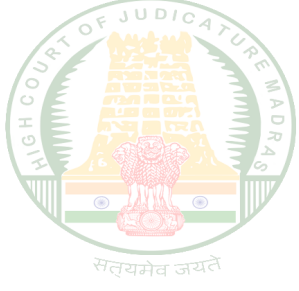
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To

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1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George.
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai District.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
H-6, Dr.R.K.Nagar Police Station,
Chennai District.
- 5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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