



WEB COPY

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. 2570 of 2025

Shakina

W/o.Moahmed Yasin,

No.53/60, Cheriyan Nagar, 2nd street,

New Washermenpet, Chennai.

..Petitioner(s)

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. District collector and District Magistrate of
Tiruvannamalai District,
Tiruvannamalai.
3. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Tiruvannamalai cyber Crime Police Station,
Tiruvannamalai District.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus or any other 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 10.11.2025 in D.No.56/2025-C2 against the petitioner's son Ramshath, Male aged 22 years S/o.Moahmad Yasin, who is confined at Central prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.P.Raman

For Respondent(s): Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

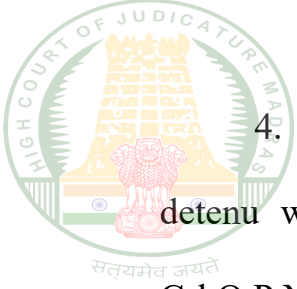
Order

(Order of the Court was made by Dr.Anita Sumanth J.)

The mother of one Ramshath (detenu), S/o. Moahmad Yasin, who was detained as a 'Cyber Law Offender' under Section 2(bb) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 10.11.2025.

2. Learned counsel for the petitioner assails the impugned order of detention pointing out to various lacunae in the order, emphasizing that the subjective satisfaction of the detaining authority that the detenu will be enlarged on bail is wholly misconceived.

3. We have heard Mr.P.Raman, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.



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4. The subjective satisfaction of the detaining on the basis is that the detenu will be enlarged on bail is premised on the bail order passed in CrI.O.P.No.17930 of 2025 on 23.06.2026 by this Court. On a perusal of that case, we do not find the facts comparable with the present case. In that case, the Court was persuaded to grant bail for the reason that certain amounts had been made by those accused (a sum of Rs.5 lakh was paid to the complainant). In this case, admittedly, no amounts had been paid to the complainant. That apart, the present detenu has two adverse cases whereas there is no mention of there being any previous cases in the case of those accused.

5. Since the circumstances in the present matter are far graver, we find that the subjective satisfaction of the authority that the detenu may be enlarged on bail is misplaced, as the gravity of the offences in the present case would, no doubt, weigh with the authorities as and when the bail application filed by the detenu would be considered.

6. Hence, we find merit in the submission of the petitioner that the subjective satisfaction of the authority that bail would be granted, is nothing but mere ipse dixit.

7. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in D.O.No.56/2025-C2 dated 10.11.2025 is set aside.



8. The detenu, viz., Ramshath, S/o.Moahmad Yasin, male aged 22 years, now confined in Central Prison, Vellore, is 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

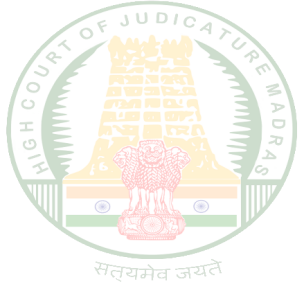
Index: Yes/No
Speaking order
Neutral Citation: Yes

SSM

Note to Registry : Issue Today

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. District collector and District Magistrate of
Tiruvannamalai District, Tiruvannamalai.
3. The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Tiruvannamalai cyber Crime Police Station,
Tiruvannamalai District.
6. The Public Prosecutor,
High Court, Madras.
7. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George, Chennai – 9.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

HCP No. 2570 of 2025

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