



H.C.P.No.355 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.355 of 2025

Nirmala

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai

3.The Superintendent of Prison,
Central Prison Puzhal,
Chennai -66.

4.The Inspector of Police, Law & Order
P-3, Vyasarpadi Police Station,
Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Habeas Corpus, to call for the records in connection wit the



H.C.P.No.355 of 2025

order of detention passed by the second respondent dated 05.02.2025 in Memo No.66/BCDFGISSSV/2025 against the petitioner's son namely Sanjaykumar @ Sanjay, male, aged about 31 years, S/o.Saravanan @ Body Saravanan, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

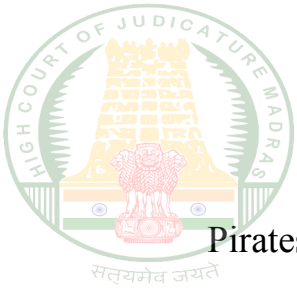
ORDER

M.S.RAMESH, J.

and

V.LAKSHMINARAYANAN, J.

The petitioner herein, who is the mother of the detenu, viz. Sanjaykumar @ Sanjay, aged 31 years, S/o.Saravanan @ Body Saravanan, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 05.02.2025 slapped on her son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video



H.C.P.No.355 of 2025

Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

WEB COPY

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, the learned counsel for the petitioner submitted that the subjective satisfaction of the detaining authority that the detenu is likely to come out on bail suffers from non application of mind, as the similar case relied upon by the detaining authority is not similar.

4. It is seen from the grounds of detention that the detaining authority has relied upon a bail order passed by the learned Sessions Judge, Chennai, in CrI.M.P.No.26094 of 2024, in Crime No.496 of 2024, for an accused in the said case. On a perusal of the said order, we find that the said case cannot be said to be similar since the accused therein was released on bail recording that the accused has one previous case, whereas in the present case on hand, the detenu is having ten previous cases against him. Therefore, the



H.C.P.No.355 of 2025

said case cannot be said to be similar. Hence, the subjective satisfaction of the Detaining Authority regarding the possibility of the detenu is likely to come out on bail suffers from non application of mind.

5. The Hon'ble Supreme Court, in the case of '***Rekha Vs. State of Tamil Nadu through Secretary to Government and another***' reported in '***2011 [5] SCC 244***', has dealt with a situation where the Detention Order is passed without an application of mind. In case, any of the reasons stated in the order of detention is non-existent or a material information is wrongly assumed, that will vitiate the Detention Order. When the subjective satisfaction was irrational or there was non-application of mind, the Hon'ble Supreme Court held that the order of detention is liable to be quashed. It is relevant to extract paragraph Nos.10 and 11 of the said judgment of the Hon'ble Supreme Court:-

“10.In our opinion, if details are given by the respondent authority about the alleged bail orders in similar cases mentioning the date of the orders, the bail application number, whether the bail order was passed in respect of the co-accused in the same case, and whether the case of the co-accused was on the same



WEB COPY



H.C.P.No.355 of 2025

footing as the case of the petitioner, then, of course, it could be argued that there is likelihood of the accused being released on bail, because it is the normal practice of most courts that if a co-accused has been granted bail and his case is on the same footing as that of the petitioner, then the petitioner is ordinarily granted bail. However, the respondent authority should have given details about the alleged bail order in similar cases, which has not been done in the present case. A mere ipse dixit statement in the grounds of detention cannot sustain the detention order and has to be ignored.

11. In our opinion, the detention order in question only contains ipse dixit regarding the alleged imminent possibility of the accused coming out on bail and there was no reliable material to this effect. Hence, the detention order in question cannot be sustained.”

6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Accordingly, the detention order passed by the second respondent in



H.C.P.No.355 of 2025

No.66/BCDFGISSSV/2025 dated 05.02.2025, is hereby set aside and the

WEB CON

Habeas Corpus Petition is allowed. The detenu viz., Sanjaykumar @ Sanjay,

Male, aged about 31 years, S/o.Saravanan @ Body Saravanan, presently detained at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[M.S.R, J.] [V.L.N, J.]
12.06.2025

kas

Index: Yes/No

Neutral Citation: Yes/No

To

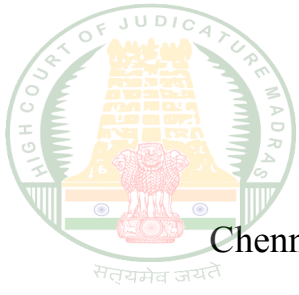
1.The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai

3.The Superintendent of Prison,
Central Prison Puzhal,
Chennai -66.

4.The Inspector of Police, Law & Order
P-3, Vyasarpadi Police Station,

6/8



Chennai



H.C.P.No.355 of 2025

WEB COPY
5. The Public Prosecutor
High Court of Madras
Chennai 600 104



WEB COPY



H.C.P.No.355 of 2025

M.S.RAMESH, J.
and
V.LAKSHMINARAYANAN, J.

kas

H.C.P.No.355 of 2025

12.06.2025