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H.C.P.No.415 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.415 of 2025

Megala

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the Additional Chief Secretary to Government
Home, Prohibition & Excise Department
Fort St. George
Chennai 600 009

2.The Commissioner of Police
The Greater Chennai City
Vepery, Chennai 600 007

3.The Superintendent of Prison
Central Prison
Puzhal, Chennai 600 066

4.The Inspector of Police
N2, Kasimedu Police Station
Chennai

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Habeas Corpus, call for the entire records relating to the detention order in Memo No.59/BCDFGISSSV/2025, dated 01.02.2025 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son viz. Saravanan @ Pattu, S/o.Sakthivel, aged about 26 years and produce the detenu now confined in Central Prison, Puzhal, Chennai before the Court and st him at liberty.

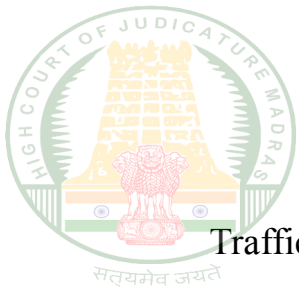
For petitioner : Mr.M.Saravanan

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. Saravanan @ Pattu, aged about 26 years, S/o.Sakthivel, has come forward with this petition challenging the detention order passed by the second respondent dated 01.02.2025 slapped on her husband, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral



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Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and
Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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 the bail order passed by this Court vide its order dated 10.12.2024, in CrI.O.P.No.30749 of 2024, in Crime No.644 of 2024, for an accused in the said case. On a perusal of the said order, we find that in the similar case bail was granted on the ground that there was a sudden provocation, whereas the ground case is not so. Therefore, the said case



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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



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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



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No.59/BCDFGISSSV/2025 dated 01.02.2025, is hereby set aside and the

WEB.COM Habeas Corpus Petition is allowed. The detenu viz., Saravanan @ Pattu,

Male, aged about 26 years, S/o.Sakthivel, 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

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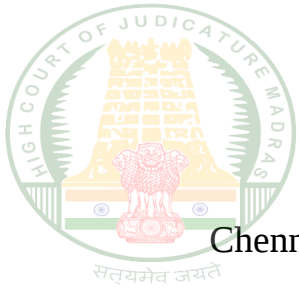
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6/8



Chennai



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



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