



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-04-2025

WEB COPY

CORAM

**THE HONOURABLE MR JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

HCP No. 570 of 2025

KARUPPATHAL

W/o. Kalimuthu, Door No 63, East
Udaiyarpalaym, Thunguvi,
Madathukulam Taluk, Tiruppur District

Petitioner(s)

Vs

1. The State Rep By, The Principal
Secretary To Government
Home Prohibition And Excise
Departments , Secretariat,
Chennai 600 009

2.The District Magistrate And District
Collector Detaining Authority
Office Of The District Magistrate And
District Collector , Tiruppur District

3.The Superintendent Of Prison
The Central Prison, Coimbatore,
Coimbatore District

4.The Superintendent Of Police
The Coimbatore Superintendent Office,
Coimbatore District



WEB

5. The Inspector Of Police
Moolanur Police Station,
Crime.No. 371 Of 2024
Tiruppur District

Respondent(s)

PRAYER

To issue a Writ OF Habeas Corpus or any other appropriate writ or order or direction in the nature of a writ of Habeas Corpus, calling for the entire records in connection with the detention order passed in CR.MP. NO. 96/G/GOONDA/2024 dated 19.11.2024 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondent to produce the body or person of the petitioners son namely Manoj son of Kalimuthu aged 19 years who is detained in Central Prison, Coimbatore before this honble court and set his at liberty.

For Petitioner	: Mr. P. Kalimuthu
For Respondents	: Mr.R.Muniyapparaj Additional Public Prosecutor assisted by Mr.M.Sylvester John

ORDER

M.S.RAMESH, J.

AND

N.SENTHILKUMAR, J.

The petitioner herein, who is the mother of the detenu viz., Manoj S/o.Kalimuthu, aged 19 years detained in Central Prison, Coimbatore, has come forward with this petition challenging the detention order passed by the second respondent dated 19.11.2024, slapped on her son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber

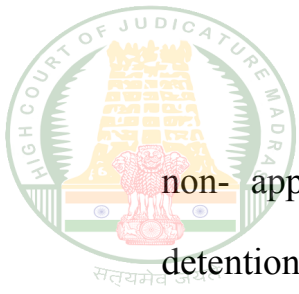


Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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

3. Amidst several grounds raised, learned counsel for the petitioner mainly focused his argument on the ground that when there is no bail application filed on behalf of the detenu, nor by the relatives of the detenu, there is no imminent possibility of him being released on bail and therefore, the impugned order has been passed without any supporting material. The learned counsel has further submitted that in the special report, the sponsoring authority has not stated anything about the steps taken by the relatives to take the detenu on bail. For the above reasons, the impugned order of detention is liable to be quashed.

4. As rightly contended by the learned counsel appearing for the petitioner, the Detaining Authority referred to the fact that no bail application was filed or pending in the ground case and the adverse cases. However, the Detaining Authority proceeded further to express subjective satisfaction that there was real possibility of the detenu coming out on bail, which shows total



non-application of mind. Thus, on this sole ground alone, the impugned detention order is liable to be set aside.

WEB COPY

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 paragraphs 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 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.



WEB COPY

HCP No. 570 of 2025



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.”

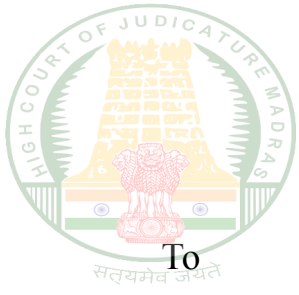
6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Accordingly, the detention order passed by the second respondent on 19.11.2024 in Cr.M.P.No.96/G/GOONDA/2024 , is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Manoj S/o.Kalimuthu, aged about 19 years detained in Central Prison, Coimbatore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

(M.S.RAMESH J.) (N.SENTHILKUMAR J.)

23-04-2025

ASI



To

WEB COPY

1. The State Rep By, The Principal
Secretary To Government
Home Prohibition And Excise
Departments , Secretariat,
Chennai 600 009

2. The District Magistrate And District
Collector Detaining Authority
Office Of The District Magistrate And
District Collector , Tiruppur District

3. The Superintendent Of Prison
The Central Prison, Coimbatore,
Coimbatore District

4. The Superintendent Of Police
The Coimbatore Superintendent Office,
Coimbatore District

5. The Inspector Of Police
Moolanur Police Station,
Crime.No. 371 Of 2024,
Tiruppur District.

6. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY

HCP No. 570 of 2025



M.S.RAMESH J.
AND
N.SENTHILKUMAR J.

ASI

HCP No. 570 of 2025

23-04-2025