



H.C.P.No.1088 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

CORAM:

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

H.C.P.No.1088 of 2025

Jayalakshmi

W/o Baskar

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep by the Additional Chief Secretary, Home,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

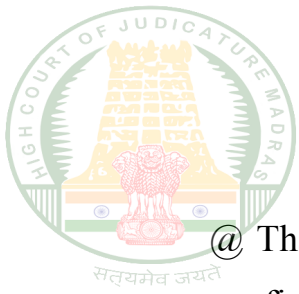
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

3. The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.

4. The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai-600 066.

... Respondents

PRAYER: The Habeas Corpus Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus, to call for the records relating to the detention order in Memo No.242/BCDFGISSSV/2025 dated 07.05.2025 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Thiru.Srinivasan



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@ Thavakkala Seenu, S/o Baskar, aged about 29 years, the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son Thiru Srinivasan @ Thavakkala Seenu, S/o Baskar, aged about 29 years, the detenu herein, at liberty.

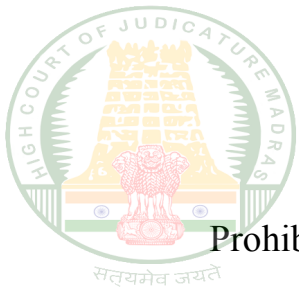
For Petitioner : Mr.R.Muthukumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

J.Nisha Banu,J.
and
S.Sounthar,J

The petitioner is the mother of the detenu, viz., Srinivasan @ Thavakkala Seenu, Son of Baskar, aged about 29 years, who is confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in Memo No.242/BCDFGISSSV/2025 dated 07.05.2025 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] read with the order issued by the Government in G.O.(D).No.97, Home



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Prohibition and Excise (XVI) Department dated 11.04.2025 under section

3(2) of the aforesaid Act.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds are raised in the petition, the learned counsel for the petitioner pointed out that the bail order relied upon by the Detaining Authority is not similar to the case on hand, by referring to the fact that bail was granted to the accused therein was mainly on the ground that the accused has one previous case. However, in the case on hand, the detenu is having three previous cases. Therefore, the learned counsel submitted that the Detaining Authority has not applied its mind while expressing its subjective satisfaction that the detenu is also likely to be released on bail.

4. Learned Additional Public Prosecutor would also fairly submit that the similar case relied on by the detaining authority is not similar.



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5. On a perusal of the Booklet, this Court finds that, in the similar case relied upon by the Detaining Authority at Vol.II page 90, i.e.,Crl.M.P.No.26094/2024 (Cr.No.496/2024, V5 Thirumangalam Police Station) dated 19.09.2024, the accused therein was granted bail mainly on the ground that the accused was having one previous case, but in the present case the detenu is having three previous cases. Hence, this Court is of the view that the subjective satisfaction of the Detaining Authority that the detenu is also likely to be released on bail, by relying upon the aforesaid similar case, suffers from non-application of mind.

6. 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:-

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“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.

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.”



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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 Habeas Corpus Petition is allowed and the detention order passed by the second respondent in Memo No.242/BCDFGISSSV/2025 dated 07.05.2025 is hereby set aside. The detenu, viz., Srinivasan @ Thavakkala Seenu, Son of Baskar, aged about 29 years, who is now confined in the Central Prison, Puzhal, Chennai is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(J.NISHA BANU J.) (S.SOUNTHAR J.)
22.09.2025

vsi

To

1. State of Tamil Nadu,
Rep by the Additional Chief Secretary, Home,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.



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3. The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.

4. The Superintendent of Prison,
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Puzhal, Chennai-600 066.

5. The Public Prosecutor,
High Court, Madras



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