



WEB COPY

HCP No. 1100 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-09-2025**

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU  
AND  
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

**H.C.P No. 1100 of 2025**

1. Shanthi

W/o.Srinivasan, 33/57, Sabapathy  
Street, Ayanavaram, Ahennai - 600 023.

Petitioner(s)

Vs

1. The State of Tamilnadu Rep. by its  
Principal Secretary  
Home, Prohibition and Excise  
Department, Secretariat Complex,  
chennai - 600009.

2.The Commissioner of Police  
office of commissioner of police,  
chennai - 600007.

3.The Superintendent of Prisons,  
Special Prison for Women, Puzhal,  
Chennai - 600066.



4. The State Rep. by the Inspector of Police,

K-2, Ayyanavaram Police Station,  
Chennai District.

Respondent(s)

**PRAYER**

The Habeas Corpus Petition is filed under Article 226 of the Constitution of India for the issuance of a writ of Habeas Corpus calling for the records relating to the detention order in 297/BCDFGISSSV/2025 DATED 02.06.2025 passed by the 2<sup>nd</sup> respondent under the Tamilnadu Act 14 of 1982 and quash the same and direct the respondents to produce the Sanjana @ Sathish, transgender aged 32 years, w/o. Robert who is presently confined in the Special Prison for Women Puzhal, Chennai before this Court and set her at liberty.

For Petitioner(s): M/s. Santhosh

For Respondent(s): Mr.A.Gokulakrishnan  
Additional Public Prosecutor

**ORDER**

**J. NISHA BANU, J.**

**and**

**S. SOUNTHAR, J.**

The petitioner is the mother of the detenue, viz., Sanjana @ Sathish, Transgender, W/o Robert, aged 32 years, has come forward with this petition challenging the detention order passed by the second respondent in No.297/BCDFGISSSV/2025 dated 02.06.2025, branding her as "Drug Offender" 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. 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 mainly on the ground that the co-accused was granted bail. Therefore, the learned counsel submitted that the Detaining Authority has not applied its mind while expressing its subjective satisfaction that the detinue is also likely to be released on bail.

4. On a perusal of the Booklet, this Court finds that, in the similar case relied upon by the Detaining Authority, i.e. Crl.M.P.No.5272 of 2023, dated 27.07.2023, the accused therein was granted bail mainly on the ground that the co-accused had been granted bail. Hence, this Court is of the view that the subjective satisfaction of the Detaining Authority that the detinue is also likely to be released on bail, by relying upon the aforesaid similar case, suffers from



non-application of mind.

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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 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.*



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*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.”*

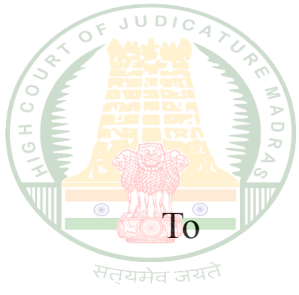
6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Accordingly, the detention order passed by the second respondent on 02.06.2025 in No.297/BCDFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenue viz., Sanjana @ Sathish, Transgender, aged 32 years, W/o.Robert, detained at Special Prison for Women, Puzhal, Chennai, is directed to be set at liberty forthwith, unless she is required in connection with any other case.

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

**23-09-2025**

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To

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1. The Principal Secretary  
Home, Prohibition and Excise  
Department, Secretariat Complex,  
Chennai - 600009.
2. The Commissioner of Police  
office of Commissioner of Police,  
Chennai - 600007.
3. The Superintendent of Prisons,  
Special Prison for Women, Puzhal,  
Chennai - 600066.
4. The State Rep. by the Inspector of  
Police,  
K-2, Ayyanavaram Police Station,  
Chennai District.
5. The Public Prosecutor,  
High Court of Madras, Chennai.



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**AND**  
**S.SOUNTHAR J.**

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