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H.C.P.No.1144 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1144 of 2025

Jothi

... Petitioner/Detenu's Wife

-VS-

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The District Magistrate and District Collector,
Namakka, Namakkal District.
3. The Superintendent of Police,
Namakkal, Namakkal District.
4. The Superintendent of Prison,
Central Prison-Salem, Salem District.
5. The State Rep. by its
The Inspector of Police,
All Women Police Station,
Tiruchengode, Namakkal District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 10.06.2025 on the file of the 2nd respondent herein



H.C.P.No.1144 of 2025

made in proceedings in C.M.P.No.59/Sexual Offender/2025/(M1) quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband, namely, Nehru, S/o.Palanisamy, aged 35 years before this Honble High Court and set the petitioner's husband at liberty from detention now the petitioner's husband detained at Central Prison Salem.

For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

The petitioner herein, who is the wife of the detenue, namely, Nehru, S/o.Palanisamy, aged 35 years, detained at Central Prison, Salem, has come forward with this petition, challenging the detention order dated 10.06.2025, passed by the second respondent in C.M.P.No.59/Sexual Offender/2025/(M1), branding him as a "Sexual Offender", as contemplated under Section 2(ggg) of 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 and the learned



H.C.P.No.1144 of 2025

Additional Public Prosecutor appearing for the respondents.

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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 in CrI.M.P.No.340 of 2020 dated 03.09.2020 is not similar to the case on hand. 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. The learned Additional Public Prosecutor would also fairly state that the similar case relied upon by the detaining authority is not a similar one, as Charge Sheet had already been filed in that case.

5. On a perusal of the Booklet, this Court finds that in Page No.6 of the Volume-II, the case relied upon by the Detaining Authority in CrI.M.P.No.340 of 2020, dated 03.09.2020 is not similar to the case on hand. Hence, this Court is of the view that the subjective satisfaction of the Detaining Authority that the detenue is also likely to be released on bail, by



H.C.P.No.1144 of 2025

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. In the instant case, the Detaining Authority has arrived at the subjective satisfaction that the detainee is likely to be released on bail by referring to a bail order granted to an accused in a similar case in Cr.M.P.No.1358 of 2023. However, the said bail was granted on the ground that the investigation has been completed and not on merits and therefore, the subjective satisfaction of the Detaining Authority that the detainee is likely to be released on bail suffers from non-application of mind. Hence, on the above grounds, the Detention Order 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



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H.C.P.No.1144 of 2025

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.”

7. 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.

8. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the SECOND RESPONDENT in C.M.P.No.59/Sexual Offender/2025/(M1) dated 10.06.2025, is hereby set



H.C.P.No.1144 of 2025

aside. The detenu, viz., Nehru, S/o.Palanisamy, aged 35 years, who is now confined in the Central Prison, Salem is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(N.S.K,J.) (M.J.R,J.)
24.11.2025

Index: Yes / No

Internet: Yes / No

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To:

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The District Magistrate and District Collector,
Namakka, Namakkal District.
3. The Superintendent of Police,
Namakkal, Namakkal District.
4. The Superintendent of Prison,
Central Prison-Salem, Salem District.
5. The Inspector of Police,
All Women Police Station,
Tiruchengode, Namakkal District.
6. The Joint Secretary to Government
Public (Law & Order),
Fort St.George, Chennai-600 009.
7. The Public Prosecutor,
High Court, Madras.

N.SATHISH KUMAR, J.



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H.C.P.No.1144 of 2025

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