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H.C.P.No.1160 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

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Esther

... Petitioner/Detenu's Mother

-VS-

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2. The Commissioner of Police,
Greater Chennai.

3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai – 66.

4. The Inspector of Police,
W-7 All Women Police Station,
Anna Nagar, Chennai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records in connection with the order of Detention passed by the second respondent dated 07.06.2025 in Memo No.324/BCDFGISSSV/2025 against the petitioner's son, namely, Danielraj, male, aged 44 years, S/o.Palraj, who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before the Honble Court and set him at liberty.



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For Petitioner : Mr.C.P.Sivamohan

For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

The petitioner herein, who is the mother of the detainee, namely, Danielraj, S/o.Palraj, male, aged 44 years, detained at Central Prison, Puzhal, Chennai, has come forward with this petition, challenging the detention order dated 07.06.2025, passed by the second respondent in Memo No.324/BCDFGISSSV/2025, 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 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.7318 of 2025 dated 04.06.2025 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.

5. On a perusal of the Booklet, this Court finds that in Page No.86 of the Volume-II, the case relied upon by the Detaining Authority in CrI.M.P.No.7318 of 2025, dated 04.06.2025 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 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***



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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 detinue 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 detinue 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 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



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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 in Memo No.324/BCDFGISSSV/2025 dated 07.06.2025, is hereby set aside. The detenue, viz., Danielraj, S/o.Palraj, male, aged 44 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



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other case.

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(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, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai – 66.
4. The Inspector of Police,
W-7 All Women Police Station,
Anna Nagar, Chennai.
5. The Joint Secretary to Government
Public (Law & Order),
Fort St.George, Chennai-600 009.
6. The Public Prosecutor,
High Court, Madras.



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N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.
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