



HCP.No.1164 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1164 of 2025

Poongodi

... Petitioner

Versus

1. The State of Tamil Nadu
Rep. By its Secretary to Government
Home, Prohibition and Excise Department
Fort St.George
Chennai – 9
2. The District Magistrate and District Collector
Office of District Magistrate and District Collector
Namakkal District
3. The Superintendent of Prison
Central Prison, Salem
4. The Superintendent of Police
Office of Superintendent of Police
Namakkal



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5. The Inspector of Police
AWPS-Velur Police Station
Namakkal District

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the entire records, relating to petitioner son detained under Tamil Nadu Act 14 of 1982 vide detention order, dated 10.06.2025 on the file of the second respondent herein made in proceedings Memo C.M.P.No.58/Sexual Offender/2025/(M1) Dated 10.06.2025, quash the same as illegal and consequently direct the respondent herein to produce the petitioner son namely Prabhu @ Prasanthkumar, son of Poongodi aged 29 years before this Honble High Court and set the petitioner son at liberty from detention, now the petitioners son at Central Prison, Salem.

For Petitioner : Mr.Deepanuday

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner, who is the mother of the detenu Prabhu @ Prasanthkumar, aged 29 years, has come forward with this petition challenging the detention order passed by the second respondent dated 10.06.2025 bearing reference C.M.P.No.58/Sexual Offender/2025/(M1) slapped on her son, branding him as "Sexual Offender" under the Tamil



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Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand 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.

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non-application of mind on the part of the detaining authority in arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail while passing the impugned order of detention.

4. The Learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case, but the detenu has not moved any bail application and therefore, there is no real possibility of the detenu coming out on bail in the near future,



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however, the detaining authority while passing the impugned detention order arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a bail order in Crl.M.P.No.3726 of 2022 wherein statutory bail was granted to one Murali S/o.Chandrababu.

5. In this regard, the learned counsel drew the attention this Court to the order in Crl.M.P.No.3726 of 2022, which is enclosed at Page No. 5 of Volume II of the booklet. A careful perusal of the said order, brings to light that it is a case of statutory bail under Section 167(2) of Cr.P.C. Therefore, taking a default bail order as a basis for arriving at subjective satisfaction regarding the imminent possibility of detenu being enlarged on bail shows clear non-application of mind. Therefore, the impugned preventive detention order deserves to be dislodged.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 10.06.2025 in C.M.P.No.58/Sexual Offender/2025/(M1) is hereby set aside and. The detenu viz., Prabhu alias Prasanthkumar, S/o.Poovalingam, aged 29 years, is



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directed to be set at liberty forthwith unless he is required in connection with any other case.

[N.S.K.,J.] [M.J.R.,J.]
24.10.2025

Index: Yes/No
Neutral Citation: Yes/No
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To

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AWPs-Velur Police Station
Namakkal District
6. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
7. The Public Prosecutor
High Court, Madras.



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AND

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