



WEB COPY



HCP.No.1198 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.1198 of 2025

Shanthi

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Petitioner

Versus

1. The Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai – 600 009
2. The District Collector and District Magistrate
Ranipet District, Ranipet-1
3. The Superintendent of Police
Ranipet District, Ranipet
4. The Superintendent of Prison
Central Prison, Vellore
5. The Inspector of Police
Arakkonam Town Police Station
Ranipet District

..

Respondents



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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent 17.06.2025 in B3/D.O.No.50/2025 against the petitioner Son Nagaraj, S/o.Ezhumalai, male, aged 25 years, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Honourable Court and set him at Liberty.

For Petitioner : Mr.D.Balaji

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 Nagaraj, S/o.Ezhumalai, male, aged 25 years, has come forward with this petition challenging the detention order passed by the second respondent dated 17.06.2025 slapped on her son, branding him as "Goonda" under the Tamil 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].



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

5. The learned counsel drew the attention this Court to Page No. 66 of the booklet wherein bail was granted to one Selvakumar in



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Crl.M.P.No.5694 of 2024. A careful perusal of the said order, brings to light that it is a case of default bail under Section 187(3)(ii) of BNSS. Therefore, taking a default bail order as a basis for arriving at subjective satisfaction regarding the imminent possibility of detenu being enlarged on bail is clearly vitiated. Therefore, the impugned preventive detention order deserves to be dislodged.

In the result, the detention order passed by the 2nd respondent dated 17.06.2025 in B3/D.O.No.50/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Nagaraj, S/o.Ezhumalai, male, aged 25 years, is 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
gpa



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To

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3. The Superintendent of Police
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4. The Superintendent of Prison
Central Prison, Vellore
5. The Inspector of Police
Arakkonam Town Police Station
Ranipet 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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