



WEB COPY

HCP No. 1734 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

HCP No. 1734 of 2025

V.Deepika

Petitioner(s)

Vs

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

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007

3.The Superintendent,
Central Prison, Puzhal,
Chennai-600 066

4.State rep by
The Inspector of Police



D-1, Triplican Police Station,
Chennai Cr.No.325 of 2025

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Respondent(s)

PRAYER

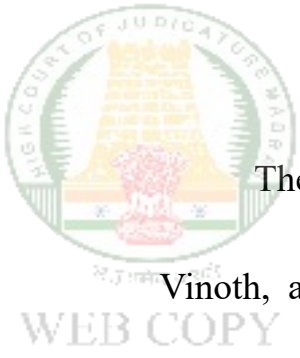
This Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of habeas Corpus to call for the records relating to the detention order passed by the 2nd respondent pertaining to the order made in NO.348/BCDFGISSSV/2025 dated on 14.06.2025 in detain the detenue under 2(f) of Tamil Nadu Act of 1982 as a Drug Offender and quash the same and direct the respondent to produce the Vinothkumar @ Sama Vinoth, son of Arumugam, Hindu aged about 27 years, who is detained at Central prison, Puzhal, at Chennai before this Hon'ble Court and set him at liberty

For Petitioner(s): M/s.C.Johnson Samuel

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

ORDER

(Order of the Court was made by N.Sathish Kumar J.)



The petitioner, who is the wife of the detenu, viz., Vinothkumar @ Sama Vinoth, aged 27 years, S/o. Arumugam, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in No.348/BCDFGISSSV/2025 dated 14.06.2025, branding the detenu 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 in Crl.M.P.No.13461 of 2024 dated 02.12.2024 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. It is seen from the records that in Page No.101 of the Volume-II, this Court finds that the case relied upon by the Detaining Authority, in CrI.M.P.No.13461 of 2024 dated 02.12.2024 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 he has no previous case. But, it is not so in this case. Hence, this Court is of the view that the subjective satisfaction of the Detaining Authority that the detenu 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 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.

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. Accordingly, the detention order passed by the second respondent on 14.06.2025 in Memo No.348/BCDFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detainee viz., **Vinothkumar @ Sama Vinoth, S/o.Arumugam**, aged 27 years, confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.



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(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)
21-11-2025

Speaking/Non-speaking order

Neutral Citation: Yes/No

mrp

To

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

2.The Commissioner of Police
Greater Chennai, Vepery, Chennai-600 007

3.The Superintendent
Central Prison, Puzhal, Chennai-600 066

4.The Inspector of Police
D-1, Triplicane Police Station, Chennai
Cr.No.325 of 2025

5. The Public Prosecutor,
High Court, Madras.



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