



WEB COPY



HCP.No.1272 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.1272 of 2025

Divagar

... Petitioner

Versus

1. The Additional Chief Secretary to the Government
Home, Prohibition and Excise (XVI) Department
Secretariat
Chennai – 600 009
2. The Commissioner of Police
Greater Chennai
3. The Superintendent of Prison
Central Prison Puzhal
Chennai District
4. The Inspector of Police
Law and Order
R-7, K.K.Nagar Police Station
Chennai District

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution



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of India praying for a Writ of Habeas Corpus calling for the entire records connected with the detention order in No.364/BCDFGISSSV/2025 dated 17.06.2025 on the file of the Respondent No. 2 and Quash the same and direct the Respondents to produce the person of petitioner brother one named Mr.Karthikeyan, S/o.Raji, aged about 24 years now confined at Central Prison, Puzhal before this Hon'ble court and set him at liberty forthwith.

For Petitioner : Mr.P.Muthamizhselvakumar

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 brother of the detenu Mr.Karthikeyan, S/o.Raji, male, aged about 24 years, has come forward with this petition challenging the detention order passed by the second respondent dated 17.06.2025 bearing reference No.364/BCDFGISSSV/2025 slapped on his brother, 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 2 adverse cases and the detention order was passed only on the basis of the ground case, which is grave in nature, but the detaining authority arrived at the subjective satisfaction of detenu being released on bail based on the bail granted to Karthick @ Sottai Karthick in CrI.M.P.No.20525 of 2025, but the said case is totally different.

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5. The learned counsel drew the attention this Court to Page No.109 of Volume 1 of the booklet wherein vide order 29.07.2025 bail was granted to one Karthick @ Sottai Karthick in CrI.M.P.No.20525 of 2024. A careful perusal of the said order, brings to light that the said case is totally different as that of the instant case. Therefore, taking the said 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.

6. In the result, the detention order passed by the 2nd respondent dated 17.06.2025 in No.364/BCDFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Mr.Karthikeyan, S/o.Raji, aged about 24 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
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To

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Chennai District
4. The Inspector of Police
Law and Order
R-7, K.K.Nagar Police Station
Chennai District
5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
6. The Public Prosecutor
High Court, Madras.



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