



WEB COPY



HCP No.1305 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-10-2025

CORAM

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

HCP No.1305 of 2025

A.Shanthi
W/o.Anbu, No.59, Ayyasamy Street,
Pudupet, Chennai - 600002.

Petitioner(s)

Vs

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

2.The Commissioner of Police,
Office of the Commissioner of Police,
Chennai.

3.The Superintendent of Police,
Central Prison, Puzhal,
Chennai.

4.The Inspector of Police,
F2, Egmore Police Station,
Chennai.

Respondent(s)



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Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records pertaining to the order of detention passed by the second respondent in his proceedings in No.383/BCDFGISSSV/2025, dated 20.06.2025 and quash the same as illegal and produce the detenu viz. Vignesh @ Mavu, S/o.Anbu, aged 26 years, DRUG OFFENDER, now he is confined in Central Prison, Puzhal II, Chennai before this Court and set him at liberty.

For Petitioner(s): Mr.C.Raja

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

ORDER

(made by N.Sathish Kumar, J.)

The petitioner, who is the mother of the detenu Vignesh @ Mavu, S/o.Anbu, aged 26 years, has come forward with this petition challenging the detention order passed by the second respondent dated 20.06.2025 bearing reference No.383/BCDFGISSSV/2025 slapped on her son, branding him as "Drug Offender" 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].

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 and one adverse case and the bail application moved by the detenu was dismissed and at present, 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. 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 CrI.M.P.No.5272 of 2023 wherein statutory bail was granted to one Sanjaykumar @ Sanjay S/o.Saravan @ Body Saravanan.

5. In this regard, the learned counsel drew the attention of this Court to the order in CrI.M.P.No.5272 of 2023, which is enclosed at Page No.40 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. *Per contra*, the learned Additional Public Prosecutor while reiterating the averments in the counter affidavit submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.



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7. Considering the submissions made by both sides, this court is of the considered view that there is non application of mind on the part of the detaining authority while passing the impugned order. In such view of the matter, the impugned detention order is liable to be quashed.

In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 20.06.2025 in No.383/BCDFGISSSV/2025 is hereby set aside. The detenu Vignesh @ Mavu, S/o.Anbu, aged 26 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.)

25-10-2025

nsd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

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3.The Superintendent of Police,
Central Prison, Puzhal,
Chennai.

4.The Inspector of Police,
F2, Egmore Police Station,
Chennai.

5.The Public Prosecutor,
Madras High Court, Chennai.

6.The Joint Secretary to Government,
Public (Law and Order),
Fort St.George, Chennai – 9.



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