



WEB COPY

HCP No. 1306 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

HCP No. 1306 of 2025

Sathyamoorthy,
S/o. Palanisamy, No.6, Subburaj Nagar,
Kodoapu, Vuyya Kandan Thirumalai,
Somarasam Pettai Post,
Tiruchi - 620102.

Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.
- 2.The Commissioner of Police,
Coimbatore City, Coimbatore.
- 3.The Inspector of Police,
Cyber Crime Police Station,
Coimbatore City, Coimbatore.



4. The Superintendent,
Special Prison for Women,
Coimbatore.

Respondent(s)

PRAYER

This writ petition filed under article 226 of the Constitution of India to issue a writ of Habeas corpus calling upon the production of the records relating to the detention order passed by the 2nd respondents in proceedings C.NO.88/G/IS/2025 on 23.05.2025 under the Tamil Nadu Act/14/1982 as a CYBER LAW OFFENDER and quash the same and direct the respondents to produce the petitioner's wife Nithya, aged 32 years, who has been detained in Special Prison for Women, Coimbatore, before this Hon'ble Court and set her at liberty.

For Petitioner(s): Mr. K.C.Karl Marx

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 husband of the detenue Nithya, aged 32 years, has come forward with this petition challenging the detention order passed by



the second respondent dated 23.05.2025 bearing reference C.No.88/G/IS/2025

slapped on his wife, branding her as "Cyber Law 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 are raised in the petition, the learned counsel for the petitioner pointed out that the bail order relied upon by the Detaining Authority in CrI.M.P.No.15181 of 2023 dated 18.04.2023 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. On a perusal of the Booklet, this Court finds that in Page No.95 of the Volume-II, the case relied upon by the Detaining Authority in CrI.M.P.No.15181 of 2023, dated 18.04.2023 is not similar to the case on hand. Hence, this Court is of the view that the subjective satisfaction of the Detaining Authority that the detainee 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



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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 in No.C.No.88/G/IS/2025 dated 23.05.2025 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detainee viz., **Nithya, W/o. Sathya Moorthy**, aged 32 years, detained at **Special Prison for Women, Coimbatore**, is directed to be set at liberty forthwith, unless she is required in connection with any other case.

(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)

03-11-2025

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 -
600009.

2.The Commissioner of Police,
Coimbatore City, Coimbatore.



3. The Inspector of Police,
Cyber Crime Police Station,
Coimbatore City, Coimbatore.

4. The Superintendent,
Special Prison for Women, Coimbatore.

5. The Public Prosecutor,
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