



HCP No.1317 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2025

CORAM

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

HCP No.1317 of 2025

Sumathi
W/o.Prabhakaran,
No.11, North Street, Vanniyankadu, Thalavaipuram,
Tiruchendur, Thoothukudi District

Petitioner(s)

Vs

1.State of Tamil Nadu rep by its
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department, Secretariat,
Chennai-600 009

2.The Commissioner of Police
Tambaram City

3.The Inspector of Police
T-6, Peerkankaranai Police Station, Chennai

4.The Superintendent
Central Prison, Puzhal, Chennai

Respondent(s)



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Habeas Corpus Petition filed under Article 226 of the Constitution of

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India to issue a Writ of Habeas Corpus to call for the entire records relating to petitioner's husband's detention under Tamil Nadu Act 14 of 1982 *vide* detention order dated 26.06.2025 on the file of the second respondent herein made in proceedings BCDFGISSSV No.75/2025 and quash the same as illegal and consequently direct the respondent herein to produce the said petitioner's husband *viz.* Prabakaran, aged 42 years, son on Muthu, before this Court and set him at liberty, now petitioner's husband detained at Central Prison, Puzhal, Chennai-600 066.

For Petitioner(s): Mr.M.Mohammed Saifulla
for Mr.C.C.Chellappan

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

ORDER

(made by N.Sathish Kumar, J.)

The petitioner, who is the wife of the detenu Prabakaran, aged 42 years, son on Muthu, has come forward with this petition challenging the detention order passed by the second respondent dated 26.06.2025 bearing BCDFGISSSV No.75/2025 slapped on her husband, branding him as



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"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].

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 three adverse cases and the bail application moved by the detenu is



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pending 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.23 of 2024.

5. In this regard, the learned counsel drew the attention of this Court to the order in CrI.M.P.No.23 of 2024, which is enclosed at Page No.137 of Volume I of the booklet. A careful perusal of the said order, brings to light that bail was granted for non-filing of final report, whereas, bail petition is admittedly pending in this case. Therefore, taking a such 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



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detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

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 26.06.2025 in BCDFGISSSV No.75/2025 is hereby set aside. The detenu Prabakaran, aged 42 years, son on Muthu, 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.)
28.10.2025

nsd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department, Secretariat,
Chennai-600 009
- 2.The Commissioner of Police
Tambaram City
- 3.The Inspector of Police
T-6, Peerkankaranai Police Station, Chennai
- 4.The Superintendent
Central Prison, Puzhal, 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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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

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