



HCP.No.1312 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.1312 of 2025

Thangapandi

... Petitioner

Versus

1. State of Tamil Nadu

Rep. By its 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 Inspector of Police
T-4, Maduravoyal Police Station
Chennai

4. The Superintendent
Central Prison, Puzhal, Chennai

.. 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 call for the entire records, relating to Petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 17.06.2025 on the file of the second respondent herein made in proceedings No.355/BCDFGISSSV/2025 and quash the same as illegal and consequently direct the respondents herein to produce the said Petitioner's brother namely Panapandi, aged about 27 years, son of Sonamuthu, before this Honble High Court and set him at liberty now petitioner's brother detained at Central Prison, Puzhal, Chennai-600 066.

For Petitioner : Mr.M.Mohamed Saifulla
for Mr.C.C.Chellappan

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 Panapandi, aged about 27 years, son of Sonamuthu, has come forward with this petition challenging the detention order passed by the second respondent dated 17.06.2025 bearing reference No.355/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 two adverse cases and but the detenu has not moved any bail application, however the detaining authority arrived at the subjective satisfaction of detenu being released on bail based on the bail granted to Gokul Raj in Crl.M.P.No.26094 of 2024, but the facts of the said case is totally different.

5. The learned counsel drew the attention this Court to Page No.88 of Volume 1 of the booklet wherein vide order 19.09.2024 bail was granted to



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one Gokul Raj in CrI.M.P.No.26094 of 2024. A careful perusal of the said order, brings to light that the facts of the said case is totally different as that of the instant case. Therefore, taking the said bail order as the 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.355/BCDFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Panapandi, S/o.Sonamuthu, male, aged 27, 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
gpa

To

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Chennai – 600 009
2. The Commissioner of Police
Greater Chennai
3. The Inspector of Police
T-4, Maduravoyal Police Station
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4. The Superintendent
Central Prison, Puzhal, Chennai
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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AND

M.JOTHIRAMAN, J.,

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