



HCP.No.1329 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1329 of 2025

Kathamuthu

... Petitioner

Son of the detenue

Versus

1. The Additional Chief Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George
Chennai – 600 009
2. The District Magistrate and District Collector
Namakkal
Namakkal District
3. The Superintendent of Police
Namakkal
Namakkal District
4. The Superintendent of Prison
Central Prison, Salem
Salem District



HCP.No.1329 of 2025

WEB COPY

5. State rep. By its
Inspector of Police
All Women Police Station
Rasipuram
Namakkal District

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the entire records relating to the petitioner's father detention under Tamil Nadu Act vide detention order dated 16.06.2025 on the file of the second respondent herein made in proceedings in C.M.P No.60/Sexual Offender/2025 (M1), quash the same as illegal and consequently direct the respondents herein to produce the petitioner's father, namely Palaniyappan, S/o.Periyannan, aged 77 years before this Court and set the petitioner's father at liberty from detention, now the petitioner's father is detained at Central Prison, Salem.

For Petitioner : Mr.W.Camyles Gandhi

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 son of the detenu Palaniyappan, S/o.Periyannan, male, aged 77 years, has come forward with this petition challenging the detention order passed by the second respondent dated 16.06.2025 bearing reference C.M.P.No.60/Sexual Offender/2025(M1) slapped on his father, branding him as "Sexual offender" under the Tamil



HCP.No.1329 of 2025

WEB COPY

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. Learned counsel for the petitioner submitted that the detaining authority has arrived at the subjective satisfaction of detenu being released on bail based on the bail granted to one Sathish in CrI.M.P.No.176 of 2024, but the facts of the said case is totally different.



HCP.No.1329 of 2025

WEB COPY

5. The learned counsel drew the attention this Court to Page Nos.16 to 18 of Volume II of the booklet wherein vide order dated 07.12.2024 bail was granted to one Sathish in CrI.M.P.No.176/2024. A careful perusal of the said order, brings to light that in the said case bail was granted to the accused as the victim girl in the said case has stated that she has no objection for the grant of bail. Therefore, taking the said bail order as the basis for arriving at subjective satisfaction regarding 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 16.06.2025 in C.M.P.No.60/Sexual Offender/2025(M1) is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Palaniyappan, S/o.Periyannan, male, aged 77 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.]
17.11.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa

4/6



HCP.No.1329 of 2025

WEB COPY

To

1. The Additional Chief Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George
Chennai – 600 009
2. The District Magistrate and District Collector
Namakkal
Namakkal District
3. The Superintendent of Police
Namakkal
Namakkal District
4. The Superintendent of Prison
Central Prison, Salem
Salem District
5. The Inspector of Police
All Women Police Station
Rasipuram
Namakkal District
6. The Public Prosecutor
High Court, Madras.



WEB COPY



HCP.No.1329 of 2025

N.SATHISH KUMAR, J.,

AND

M.JOTHIRAMAN, J.,

gpa

H.C.P.No.1329 of 2025

17.11.2025