



HCP No.1388 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.1388 of 2025

Rajeshwari
W/o.Subramanian,
D.No.122/319, Subbaiah Vithi,
Rajavithi, Coimbatore District.

Petitioner(s)

Vs

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai - 600009.
- 2.The Commissioner of Police/Detaining Authority,
Coimbatore City, Coimbatore District.
- 3.The Superintendent of Prison,
Central Prison - Coimbatore,
Coimbatore District.
- 4.State Rep by its, Inspector of Police
D-2, Selvapuram Police Station,
Coimbatore District.

Respondent(s)



HCP No.1388 of 2025

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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 entire records, relating to the petitioner's son detention dated 20.06.2025 on the file of the second respondent herein made in proceedings in C.No.102/G/IS/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son *viz.* S.Ashokkumar, S/o.Subramanian, aged 30 years, before this Court and set the petitioner's son at liberty from detention, now the petitioner's son is detained at Central Prison, Coimbatore.

For Petitioner(s): Mr.W.Camyles Gandhi

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 S.Ashokkumar, S/o.Subramanian, aged 30 years, has come forward with this petition challenging the detention order passed by the second respondent dated 20.06.2025 bearing reference C.No.102/G/IS/2025 slapped on her son, branding him as "Sexual 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].

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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. The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case and the detenu has moved a petition for bail and the same 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 C.M.P.No.770 of 2024.



HCP No.1388 of 2025

5. In this regard, the learned counsel drew the attention this Court to the order in C.M.P.No.770 of 2024. A perusal of the said order shows that the offences for which the said case was registered are entirely different and therefore, the subjective satisfaction arrived at by the detaining authority 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.

In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 20.06.2025 in C.No.102/G/IS/2025 is hereby set aside. The detenu S.Ashokkumar, S/o.Subramanian, aged 30 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



HCP No.1388 of 2025

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- To
- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
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 - 2.The Commissioner of Police/Detaining Authority,
Coimbatore City, Coimbatore District.
 - 3.The Superintendent of Prison,
Central Prison - Coimbatore,
Coimbatore District.
 - 4.The Inspector of Police
D-2, Selvapuram Police Station,
Coimbatore District.
 - 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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HCP No.1388 of 2025

N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

nsd

HCP No.1388 of 2025

25.10.2025