



HCP No.1402 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.1402 of 2025

Kalaivani
W/o.Mani,
No.54, Perumal Kovil Medu, Seelanaikanpatty,
Dadagapatti, Salem District.

Petitioner(s)

Vs

- 1.The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner of Police
Salem City, Office of the Commissioner of Police,
Salem District.
- 3.The Superintendent of Prison,
Central Prison-Salem, Salem District.
- 4.The Inspector of Police
Shevapet Police Station, Salem District.

Respondent(s)



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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 under Tamil Nadu Act *vide* detention order, dated 30.06.2025 on the file of the second respondent herein made in proceedings in C.M.P.No.31/GOONDA/Salem City/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioner son namely Gowtham @ Santhosh, S/o.Mani, aged 24 years before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Salem.

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 Gowtham @ Santhosh, S/o.Mani, aged 24 years, has come forward with this petition challenging the detention order passed by the second respondent dated 30.06.2025 bearing C.M.P.No.31/GOONDA/Salem City/2025 slapped on her son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic



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Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982

WEB COURT [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 one adverse case. The detenu has moved a bail application in respect of the ground case and the same was dismissed. At present, no bail application is pending against the detenu 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 Crl.M.P.No.8576 of 2025.

5. In this regard, the learned counsel drew the attention this Court to the order in Crl.M.P.No.8576 of 2025, which is enclosed at Page No.9 in Volume II of the booklet. A perusal of the said order shows that the facts of that case are totally different from the facts of this case 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.

6. *Per contra*, the learned Additional Public Prosecutor while reiterating the averments in the counter affidavit submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.



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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 30.06.2025 in C.M.P.No.31/GOONDA/Salem City/2025 is hereby set aside. The detenu Gowtham @ Santhosh, S/o.Mani, aged 24 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.)
28.10.2025

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



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WEB COPY

To

- 1.The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner of Police
Salem City, Office of the Commissioner of Police,
Salem District.
- 3.The Superintendent of Prison,
Central Prison-Salem, Salem District.
- 4.The Inspector of Police
Shevapet Police Station, Salem District.
- 5.The Public Prosecutor,
Madras High Court, Chennai.
- 6.The Joint Secretary to Government,
Public (Law and Order),
Fort St.George, Chennai – 9.



WEB COPY



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

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