



H.C.P.No.1426 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-09-2025

CORAM:

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

H.C.P.No.1426 of 2025

Nirmala,
W/o Natarajan

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise (XVI) Department,
Fort St.George, Secretariat,
Chennai - 600 009

2. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai.

3. The Superintendent of Prison,
Central Prison at Puzhal,
Chennai – 600 066.

4. The Inspector of Police,
G-1, Vepery Police Station,
Chennai District.

... Respondents

PRAYER: The Habeas Corpus Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus, to call for records relating to the detention order in No.410/BCDFGISSSV



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/2025 dated 27.06.2025 on the file of the 2nd respondent and set aside the same and direct the respondents herein to produce the son of the petitioner/detenu Mr.Jeeva S/o Natarajan aged 33 years now confined in Central Prison at Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mrs.R.Subadra Devi

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

J.Nisha Banu,J.
and
S.Sounthar,J

The petitioner is the mother of the detenu, viz., Jeeva, aged 33 years, S/o Natarajan, has come forward with this petition challenging the detention order passed by the second respondent in No.410/BCDFGISSSV /2025 dated 27.06.2025, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug offenders, Forest offenders, Goondas, Immoral Traffic offenders, Sand offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982] read with the order issued by the Government in G.O.(D).No.97 Home Prohibition and Excise (XVI) Department dated 11.04.2025 under sub section (2) of Section 3 of the said Act.



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WEB COPY 2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that the detaining authority has stated in the grounds of detention that in similar case, bail was granted by this Court in CrI.O.P.No.30749/2024 registered at N2 Kasimedu Police Station Cr.No.644/2024 under Sections 194 of Bharatiya Nagarik Suraksha Sanhita, 2023 @ 103 Bharatiya Nagarik Suraksha Sanhita, 2023, to some other accused and hence, it is very likely of the detenu coming out on bail. However, in the said case i.e., Cr.No.644/2024, the petitioner is the son of the deceased and he murdered his father and the deceased father was a drunkard and quarreled with his mother and there is no motive on the part of the petitioner to murder his father and only due to sudden provocation, he acted so. But in the present case, it is not so. The detenu, attempted to commit murder due to previous enmity. He



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went to the place of occurrence with deadly weapons and attacked the victim. Therefore, he would state that the detention order is liable to be set aside.

4. On careful perusal of the detention order, it is seen that the similar case referred to by the detaining authority shown in Volume II page No.42 of the booklet i.e., CrI.O.P.No.30749/2024 registered in Cr.No.644/2024, in respect of the accused/ Dhanushkodi, bail was granted to the petitioner, however, on different footing. In the similar case referred to by the detaining authority i.e., Cr.No.644/2024, the petitioner is the son of the deceased and he murdered his father. The deceased father was a drunkard and he often quarreled with his wife/mother of the petitioner and there is no motive on the part of the petitioner to murder his father. Only at the time when his father quarrelled with his mother, due to sudden provocation, he acted so. But in the present case, it is not so. The detenu, alleged to have attempted to commit murder due to previous enmity. He went to the place of occurrence with deadly weapons. However, the detaining authority took into consideration the said order passed in CrI.O.P.No.30749/2025 registered in Cr.No.644/2024 and came to the conclusion that there is



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very likely of the detenu coming out on bail. Therefore, the bail order that was relied upon by the detaining authority cannot be considered to be a similar one.

5. The Hon'ble Supreme Court, in the case of '**Rekha Vs. State of Tamil Nadu through Secretary to Government and Another**' reported in '**2011 [5] SCC 244**', has dealt with a situation where the Detention Order is passed without an application of mind. In case, any of the reasons stated in the order of detention is non-existent or a material information is wrongly assumed, that will vitiate the Detention Order. When the subjective satisfaction was irrational or there was non-application of mind, the Hon'ble Supreme Court held that the order of detention is liable to be quashed. It is relevant to extract paragraphs 10 and 11 of the said judgment of the Hon'ble Supreme Court:-

“10. In our opinion, if details are given by the respondent authority about the alleged bail orders in similar cases mentioning the date of the orders, the bail application number, whether the bail order was passed in respect of the co-accused in the same case, and whether the case of the co-accused was on the same footing as the case of the petitioner, then, of course, it could be argued that there is



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likelihood of the accused being released on bail, because it is the normal practice of most courts that if a co-accused has been granted bail and his case is on the same footing as that of the petitioner, then the petitioner is ordinarily granted bail. However, the respondent authority should have given details about the alleged bail order in similar cases, which has not been done in the present case. A mere ipse dixit statement in the grounds of detention cannot sustain the detention order and has to be ignored.

11. In our opinion, the detention order in question only contains ipse dixit regarding the alleged imminent possibility of the accused coming out on bail and there was no reliable material to this effect. Hence, the detention order in question cannot be sustained.”

6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent in No.410/BCDFGISSSV /2025 dated 27.06.2025 is hereby



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set aside. The detenu, viz., Jeeva, S/o Natarajan, aged 33 years, who is now confined in the Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(J.NISHA BANU, J.) (S. SOUNTHAR, J.)

12-09-2025

vsi

To

1. The Additional Chief Secretary to Government,
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Fort St.George, Secretariat,
Chennai - 600 009
2. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
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4. The Inspector of Police,
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6. The Public Prosecutor,
High Court of Madras,
Chennai.



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