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H.C.P.No.1380 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1380 of 2025

Paulpandiyan

... Petitioner

Vs.

1. The Secretary to the Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai – 600 009.
2. The District Magistrate and District
Collector of Tiruppur District.
3. The Superintendent of Police,
Tiruppur District, Tiruppur.
4. The Superintendent of Prison,
Central Prison, Coimbatore.
5. The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

... Respondents

Prayer: This Habeas Corpus Petition petition has been filed under Article 226 of the Constitution of India to issue Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 01.07.2025 in Cr.M.P.No.50/SEXUAL OFFENDER/2025 against the petitioner's brother Tamil Iniyavalavan, aged 19 years, S/o. (Late) Sadaiyan, who is confined at Central Prison, Coimbatore, and set aside the same and direct the respondents to produce the detainee before this Court and set him at liberty.



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H.C.P.No.1366 of 2025

For Petitioner : Mr.C.Harish

For Respondents : Mr.R.Muniyapparaj, Addl. Public Prosecutor,
Assisted by Mr.M.Sylvester John

ORDER

The petitioner, who is the brother of the detenu Tamil Iniyavalavan, S/o. Sadaiyan (late), male, aged 19 years, has come forward with this petition challenging the detention order passed by the second respondent dated 01.07.2025 in Cr.M.P.No.50/SEXUAL OFFENDER/2025 under Sub Section (1) of Section 3 of 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] r/w the order issued by the Government in G.O.(D) No.136, Home, Prohibition and Excise (XIV) Department, dated 11.04.2025 under Sub Section (2) of Section 3 of the said Act.

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 delay in serving the detention order and the documents and 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 Additional Public Prosecutor appearing for the respondents would submit that the detention order has been passed on 01.07.2025 and the same was served on the very next day itself i.e. on 02.07.2025, but the booklet, which only will form part of the detention order, was served on 07.07.2025 and hence there is no delay in serving the papers. Further since there is every possibility for the detenu to come out on bail and hence there is compelling necessity to pass the detention order.

5

The detenu was arrested in Cr.No.286 of 2025 for the offence under Sections 318(2), 70, 309(6), 351(2) of BNS, 2023. In the meantime, based on the recommendation made by the sponsoring authority viz. the fifth respondent, the detaining authority viz. the second respondent has passed the detention order after arriving subjective satisfaction that there is imminent possibility of detenu being



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enlarged on bail. Further it is seen from the detention order that the detaining authority has referred the bail order granted to one Sunil Tandi, in Cr.No.15 of 2024, since charge sheet was not filed within the stipulated time, which in fact no way connected with the present case.

6 However, a reading of the records, this Court does not find that the detainee involved in any activity affecting public order, warranting detention of the detainee under the Act 14. Therefore we are inclined to set aside the detention order.

7 Accordingly, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 01.07.2025 in Cr.M.P.No.50/SEXUAL OFFENDER/2025 detaining the petitioner's brother Tamil Iniyavalavan, aged 19 years, S/o. (Late) Sadaiyan, who is confined at Central Prison, Coimbatore, is hereby set aside and the detenu viz., Tamil Iniyavalavan, S/o. (Late) Sadaiyan, male, aged 19 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[PVJ]

[MJRJ]

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1. The Secretary to the Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai – 600 009.
2. The District Magistrate and District
Collector of Tiruppur District.
3. The Superintendent of Police,
Tiruppur District, Tiruppur.
4. The Superintendent of Prison,
Central Prison, Coimbatore.
5. The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
6. The Additional Public Prosecutor, Madras High Court.



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P.VELMURUGAN. J.
and
M.JOTHIRAMAN, J.

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