



HCP No.1414 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.1414 of 2025

Loganayaki
W/o.Loganadan,
No.28/32, New Fire Wood Street, Triplicane,
Tiruvallilkeni, Chennai - 600005.

Petitioner(s)

Vs

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai - 66.

4.The Inspector of Police,
Law and Order, D-1, Triplicane Police Station,
Chennai.

Respondent(s)



HCP No.1414 of 2025

WEB COPY Habeas Corpus Petition filed under Article 226 of the Constitution of

India to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 19.06.2025 in No.373/BCDFGISSSV/2025 against the petitioner's son viz. Karthik, male, aged 23 years, S/o.Ravikumar, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Mr.S.Senthilvel

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 Karthik, male, aged 23 years, S/o.Ravikumar, has come forward with this petition challenging the detention order passed by the second respondent dated 19.06.2025 bearing reference No.373/BCDFGISSSV/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



HCP No.1414 of 2025

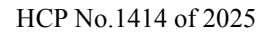
Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982

[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. The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case and two adverse cases and the detenu has moved a petition for bail and the same was dismissed and at present no bail application is pending 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



5. In this regard, the learned counsel drew the attention this Court to the order in CrI.O.P.No.30749 of 2024, which is enclosed at Page No.67 of Volume I of the booklet. 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 19.06.2025 in No.373/BCDFGISSSV/2025 is hereby set aside. The detenu Karthik, male, aged 23 years, S/o.Ravikumar 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

Page 4 of 7



HCP No.1414 of 2025

Internet: Yes

Neutral Citation: Yes/No

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To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai - 66.

4.The Inspector of Police,
Law and Order, D-1, Triplicane Police Station,
Chennai.

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.1414 of 2025

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

nsd

HCP No.1414 of 2025



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HCP No.1414 of 2025

25.10.2025