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HCP No. 1441 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

HCP No. 1441 of 2025

Dhanalakshmi

Petitioner(s)

Vs

1. The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George, Chennai.

2.The District Collector and District Magistrate,
Ranipet District, Ranipet.

3.The Superintendent of Police,
Ranipet District, Ranipet.

4.The Superintendent,
Central Prison, Vellore,
Vellore District.

5.The Inspector of Police,
Arcot Town Police Staiton,
Arcot, Ranipet District.

Respondent(s)

**PRAYER**

This writ petition filed under article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records relating to the impugned order B3/D.O.No.55/2025 dated 27-06-2025 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce Nandhakumar son of Padmanabhan, aged about 20 years, now confined at Central Prison, Vellore, before the Honble Court set him at liberty.

For Petitioner(s): Mr. G.Vinodhkumar

For Respondent(s): Mr. A.Gokulakrishnan,
Addl. Public Prosecutor,

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The petitioner, who is the mother of the detenu, viz., Nandhakumar, aged 20 years, S/o. Padmanabhan, confined at Central Prison, Vellore, has come forward with this petition challenging the detention order passed by the second respondent in No.B3/D.O.No.55/2025 dated 27.06.2025, slapped on her son, branding the detenu 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].



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 are raised in the petition, the learned counsel for the petitioner pointed out that the bail order relied upon by the Detaining Authority in C.M.P.No.3503 of 2024 dated 28.08.2024 is not similar to the case on hand. Therefore, the learned counsel submitted that the Detaining Authority has not applied its mind while expressing its subjective satisfaction that the detenu is also likely to be released on bail.

4. The learned Additional Public Prosecutor would also fairly state that the similar case relied upon by the detaining authority is not a similar one.

5. It is seen from the records that in Page No.16 of Volume-I of the booklet, this Court finds that the case relied upon by the Detaining Authority, in C.M.P.No.3503 of 2024 dated 28.08.2024 is not similar to the case on hand. The bail was granted to the accused therein on the ground that the accused therein was in judicial custody for more than 120 days and the charge sheet has not been filed and hence, the accused therein was entitled to the mandatory bail. However, it is not so in the case on hand. Hence, this Court is of the view that the subjective satisfaction of the Detaining Authority that the detenu is also



likely to be released on bail, by relying upon the aforesaid similar case, suffers from non-application of mind.

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6. 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 paragraph Nos.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 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.



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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.”

7. 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.

8. Accordingly, the detention order passed by the second respondent on 27.06.2025 in No.B3/D.O.No.55/2025, is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., **Nandhakumar, S/o. Padmanabhan**, aged 20 years, confined at Central Prison, Vellore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

(N.SATHISH KUMAR J.)

(M.JOTHIRAMAN J.)

03-11-2025

Speaking/Non-speaking order

Neutral Citation: Yes/No

mrp



To

1. The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St. George, Chennai.

2. The District Collector and District Magistrate,
Ranipet District, Ranipet.

3. The Superintendent of Police,
Ranipet District, Ranipet.

4. The Superintendent,
Central Prison, Vellore, Vellore District.

5. The Inspector of Police,
Arcot Town Police station,
Arcot, Ranipet District.

6. The Public Prosecutor,
High Court of Madras, Chennai.



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