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HCP No. 1412 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

H.C.P No. 1412 of 2025

1. Pushpa

W/o. Rajendran, No.51, V.O.C.1st
Street, Pulianthope, Chennai 600012.

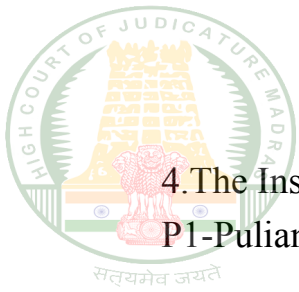
Petitioner(s)

Vs

1. The State of Tamil Nadu rep by
The Additional Secretary to the
Government, Home, Prohibition and
Excise Department, Secretariat, Fort
St.George, Chennai - 600 009.

2.The Commissioner Of Police,
Greater Chennai, Office of the
Commissioner of Police, Vepery,
Chennai-600 007.

3.The Superintendent Of Prison,
The Central Prison, Puzhal,
Chennai-600 066.



4. The Inspector of Police
P1-Pulianthope Police Station, Chennai.

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Respondent(s)

PRAYER

The Habeas Corpus Petition is filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus calling of the records relating to the detention order in Memo No.320/BCDFGISSSV/2025, dated 04.06.2025 passed by the 2nd respondent to produce the petitioners son Jothyranjan S/o Rajendran the detenue now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son Jothyranjan S/o Rajendran aged about 24 years the detenue herein in liberty.

For Petitioner(s): Mr. N.Naresh

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

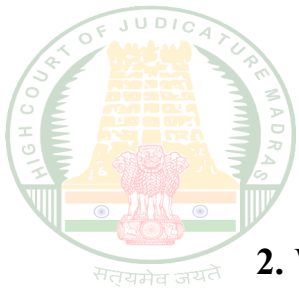
ORDER

J. NISHA BANU, J.

and

S. SOUNTHAR, J.

The petitioner, who is the mother of the detenu, viz., Jothyranjan, aged 24 years, S/o. Rajendran, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in Memo No.320/BCDFGISSSV/2025 dated 04.06.2025, branding the detenue 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 in CrI.M.P.No.26094 of 2024 dated 19.09.2024, relied upon by the Detaining Authority is not similar to the case on hand, by referring to the fact that bail was granted to the accused therein, mainly on the ground they are having one previous case, but in this case, there are three adverse cases pending against the detenu. 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 Nos.137 and 138 of the Volume-II, this Court finds that the case relied upon by the Detaining Authority, in CrI.M.P.No.26094 of 2024 dated 19.09.2024 is not similar to the case on hand, by referring to the fact that bail was granted to the accused therein, mainly on the ground they are having one previous case. But in this case, the learned



Additional Public Prosecutor submitted that three adverse cases are pending against the detenu. 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.

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



WEB COPY

HCP No. 1412 of 2025



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.”

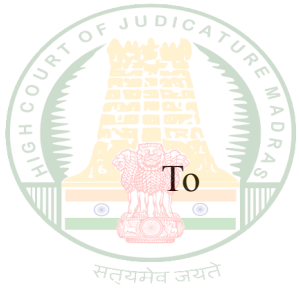
7. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

8. Accordingly, the detention order passed by the second respondent on 04.06.2025 in Memo No.320/BCDFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenue viz., **Jothyranjan, S/o Rajendran**, aged 24 years, confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

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

08-10-2025

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To

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1. The Additional Secretary to the Government, Home, Prohibition and Excise Department, Secretariat, Fort St.George, Chennai - 600 009.
- 2.The Commissioner Of Police, Greater Chennai, Office of the Commissioner of Police, Vepery, Chennai-600 007.
- 3.The Superintendent Of Prison, The Central Prison, Puzhal, Chennai-600 066.
- 4.The Inspector of Police P1-Pulianthope Police Station, Chennai.
5. The Public Prosecutor, High Court of Madras, Chennai.



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