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H.C.P.No.1470 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

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Selvakumar

... Petitioner/Detenuer's Brother

-VS-

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Commissioner of Police/Detaining Authority,
Coimbatore City, Coimbatore District.
3. The Superintendent of Prison,
Central Prison – Coimbatore,
Coimbatore District.
4. State Rep. by its
The Inspector of Police,
Cyber Crime Police Station,
Coimbatore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records relating to the petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order dated 23.05.2025 on the file of the second respondent herein



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made in proceedings C.No.89/G/IS/2025, quash the same as illegal and consequently, direct the respondents herein to produce the petitioner's brother, namely, M.Sivakumar, S/o.Murugan, aged about 27 years before this Honble Court and set the petitioner's brother at liberty from detention now the petitioner's brother detained at Central Prison Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.A.Gokulakrishnan

Addl. Public Prosecutor

ORDER

The petitioner herein, who is the brother of the detenue, namely, M.Sivakumar, S/o.Murugan, aged about 27 years, detained at Central Prison, Coimbatore, has come forward with this petition, challenging the detention order dated 23.05.2025 , passed by the second respondent in C.No.89/G/IS/2025, branding him as a "Cyber Law Offender", as contemplated under Section 2(bb) 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).

2. Heard the learned counsel for the petitioner and the learned



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Additional Public Prosecutor appearing for the respondents.

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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 Crl.M.P.No.15181 of 2023 dated 18.04.2023 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. On a perusal of the Booklet, this Court finds that in Page No.95 of the Volume-II, the case relied upon by the Detaining Authority in Crl.M.P.No.15181 of 2023, dated 18.04.2023 is not similar to the case on hand. Hence, this Court is of the view that the subjective satisfaction of the Detaining Authority that the detenue is also likely to be released on bail, by



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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. In the instant case, the Detaining Authority has arrived at the subjective satisfaction that the detainee is likely to be released on bail by referring to a bail order granted to an accused in a similar case in Cr.M.P.No.1358 of 2023. However, the said bail was granted on the ground that the investigation has been completed and not on merits and therefore, the subjective satisfaction of the Detaining Authority that the detainee is likely to be released on bail suffers from non-application of mind. Hence, on the above grounds, the Detention Order 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



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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. 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. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the SECOND RESPONDENT in C.No.89/G/IS/2025 dated dated 23.05.2025, is hereby set aside. The



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detenue, viz., M.Sivakumar, S/o.Murugan, aged about 27 years, who is now confined in the Central Prison, Coimbatore is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(N.S.K,J.,) (M.J.R,J.,)
24.11.2025

Index: Yes / No
Internet: Yes / No
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To:

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1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Commissioner of Police/Detaining Authority,
Coimbatore City, Coimbatore District.
3. The Superintendent of Prison,
Central Prison – Coimbatore,
Coimbatore District.
4. The Inspector of Police,
Cyber Crime Police Station,
Coimbatore District.
5. The Joint Secretary to Government
Public (Law & Order),
Fort St.George, Chennai-600 009.
6. The Public Prosecutor,
High Court, Madras.



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M.JOTHIRAMAN, J.
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