



HCP.No.1545 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.10.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1545 of 2025

Mushira Banu

... Petitioner

Versus

1. The Secretary to the Government
Home, Prohibition and Excise (XVI) Department
Secretariat
Chennai – 600 009
2. The Commissioner of Police/Detaining Authority
Coimbatore City, Coimbatore District
3. The Superintendent of Police
Central Prison-Coimbatore
Coimbatore District
4. State rep. By its
The Inspector of Police
Race Course Police Station
Coimbatore District

.. Respondents



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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the entire records, relating to the petitioners son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 22.07.2025 on the file of the second respondent herein made in proceedings C.No.122/G/IS/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioners son namely B.Nowfil Basha, S/o.Babu, male, aged 29 years, before this Honble High Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner, who is the mother of the detenu B.Nowfil Basha, S/o.Babu, male, aged 29 years, has come forward with this petition challenging the detention order passed by the second respondent dated 22.07.2025 bearing reference C.No.122/G/IS/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 Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].



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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. Learned counsel for the petitioner submitted that the detaining authority arrived at the subjective satisfaction of detenu being released on bail based on the bail granted by this Court in the case of one Ravendra in Crl.O.P.No.1954 of 2023, but the facts of the said case is totally different.

5. The learned counsel drew the attention this Court to Page No.32 of Volume II of the booklet wherein vide order 30.01.2023 bail was granted to one Ravendra in Crl.O.P.No.1954 of 2023. A careful perusal of the said order, brings to light that the facts of the said case is totally different as that



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of the instant case. Therefore, taking the said bail order as the basis for arriving at subjective satisfaction regarding the imminent possibility of detenu being enlarged on bail is clearly vitiated. Therefore, the impugned preventive detention order deserves to be dislodged.

6. In the result, the detention order passed by the 2nd respondent dated 22.07.2025 in C.No.122/G/IS/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., B.Nowfil Basha, S/o.Babu, male, aged 29 years, 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.]
31.10.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa



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 3. The Superintendent of Police
Central Prison-Coimbatore
Coimbatore District
 4. The Inspector of Police
Race Course Police Station
Coimbatore District
 5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
 6. The Public Prosecutor
High Court, Madras.



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