



H.C.P.No.1602 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

CORAM:

THE HONOURABLE MRS. JUSTICE **J. NISHA BANU**

AND

THE HONOURABLE MR. JUSTICE **S. SOUNTHAR**

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Indira

W/o Rathinam

... Petitioner

Vs.

1. State of Tamil Nadu

rep. By the Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Fort St. George, Chennai – 600 009.

2. The District Collector/Detaining Authority,

Office of the District Collector and District Magistrate,
Mayiladuthurai District,
Mayiladuthurai.

3. The Superintendent of Police,

Office of the Superintendent of Police,
Mayiladuthurai District.

4. The Superintendent of Prison,

Central Prison, Cuddalore,
Cuddalore District.

5. The Inspector of Police,

All Women Police Station,
Mayiladuthurai
(incharge) Kuthalam Police Station,
Mayiladuthurai District.

... Respondents



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PRAYER: The Habeas Corpus Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus, to call for the records relating to the order of detention of the petitioner's son namely Ranjith, S/o.Rathinam, aged about 28 years detained under Act 14/1982 vide Detention Order in C.O.C.No.17/2025 dated 10.05.2025 passed by the second respondent herein and quash the same and consequently directing the 2nd to 5th respondents herein to produce the body and person of the detenu confined at Central Prison, Cuddalore before this Court and thereafter set him at liberty.

For Petitioner : Mr.D.Murugan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

J.Nisha Banu,J.
and
S.Sounthar,J

The petitioner is the mother of the detenu, viz., Ranjith, Son of Rethinam, aged about 28 years, who is confined at Central Prison, Cuddalore, has come forward with this petition challenging the detention order passed by the second respondent in C.O.C.No.17/2025 dated 10.05.2025, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law



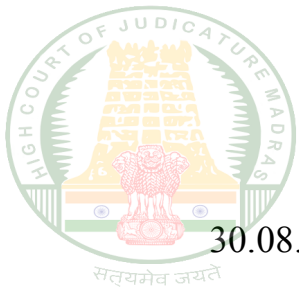
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Offenders, Drug offenders, Forest offenders, Goondas, Immoral Traffic offenders, Sand offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982] read with the order issued by the Government in G.O.(D).No.120 Home Prohibition and Excise (XVI) Department dated 11.04.2025 under section 3(2) of the aforesaid Act.

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 have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that the detaining authority has stated in the grounds of detention that in similar case in Crime No.317/2024 for offences under sections 126(2), 296(b) 118(1), 35(3) and 109 Bharatiya Nyaya sanhita read with 25(1-A) Arms Act of Sirkazhi Police Station in Mayiladuthurai District, bail was granted by Court of the Hon'ble High Court Chennai in Criminal Original Petition Number 21129/2024 dated



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30.08.2024 to an accused by name Thiru.Dinesh,S/o Selvam and hence,

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there is real possibility of the detenue coming out on bail, however, the said case is not a similar case. In the said case i.e., Crl.O.P.No.21129 of 2024 (Crime No.317 of 2024), bail was granted, recording the fact that there is no previous case as against the accused. Whereas in this case, the detenu is having three previous cases. Hence, the subjective satisfaction of the Detaining Authority, regarding the possibility of the detenu coming out on bail suffers from non-application of mind, which vitiates the detention order. Therefore, the learned counsel would state that the similar case referred to was not similar and on that score, the detention order is liable to be interfered with.

4. On careful perusal of the detention order, it is seen that the similar case referred by the detaining authority shown in page No.20 at para No.4 of the grounds of detention stating that in Crl.O.P.No.21129/2024 registered in Cr.No.317/2024 for offences under section 126(2), 296(b) 118(1), 35(3) and 109 Bharatiya Nyaya sanhita read with 25(1-A) Arms Act of Sirkazhi Police Station in Mayiladuthurai District, bail was granted and there is real possibility of the detenue coming out on bail. However, in the said similar case bail



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was granted on the ground that there was no previous case as against the accused. However, in the present case, there are three previous cases registered as against the detainee and hence, there is no real possibility of the detainee coming out on bail. Therefore, the bail order that was relied upon by the detaining authority cannot be considered to be a similar one.

5. 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 paragraphs 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



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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.”

6. 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.



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7. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent in C.O.C.No.17/2025 dated 10.05.2025 is hereby set aside. The detenu, viz., Ranjith, Son of Rethinam, aged about 28 years, who is now confined in the Central Prison, Cuddalore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(J.NISHA BANU J.) (S.SOUNTHAR J.)
22.09.2025

vsi

To

1. The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Fort St. George, Chennai – 600 009.
2. The District Collector/Detaining Authority,
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Mayiladuthurai District,
Mayiladuthurai.
3. The Superintendent of Police,
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Mayiladuthurai District.



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4.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.

5.The Inspector of Police,
All Women Police Station,
Mayiladuthurai
(incharge) Kuthalam Police Station,
Mayiladuthurai District.

6. The Public Prosecutor,
High Court,Chennai



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