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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

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

HCP No. 1559 of 2025

B.Kousalya

Petitioner(s)

Vs

1. The State of Tamil Nadu
represented by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-09.

2.The Director General of Police,
Radhakrishnan Salai, Mailapore,
Chennai-600 004.

3.The Director General of Police, Prisons
Whannels Road, Egmore, Chennai-600 004.

4.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Goondas Section, Vepery, Chennai-600 007.

5.The Superintendent,
Central Prison, Puzhal, Chennai-600 066.

6.Inspector of Police,



J-6, Thiruvanniyur Police Station,
Chennai-600 041.

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Respondent(s)

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records relating to the impugned detention order made in D.O.No.350/BCDFGISSSV/2025 dated 14.06.2025 on the file of the second respondent herein and quash the same as illegal and direct the respondent to produce the detenu, K.Boopalan son of Kannan, aged about 33 years residing at No.14/17, Padmanaban IAS road, Ilayarajan colony, Thiruvanniyur, Chennai -600 044, now confined at central prison puzhal before this Court and set him at liberty.

For Petitioner(s): Mr.D.Raja

For Respondent(s): Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R1 to R5

ORDER

(By N.Sathish Kumar J.)

The order of detention passed by the second respondent in D.O.No.350/BCDFGISSSV/2025 dated 14.06.2025 is sought to be quashed in the present Habeas Corpus Petition.

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



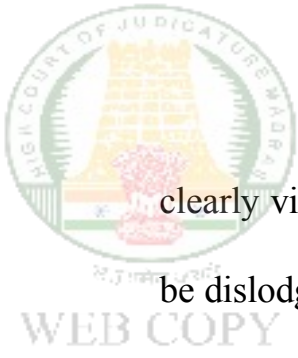
Public Prosecutor appearing for the respondents 1 to 5.

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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 has arrived at the subjective satisfaction of detenu being released on bail based on the bail granted to one Vasu @ Vasudevan, S/o. Elangovan in CrI.M.P.No.1414/2021, but the facts of the said case is totally different.

5. The learned counsel drew the attention this Court to Page No.49 of Volume I of the booklet wherein vide order dated 04.06.2021, bail was granted to one Vasu @ Vasudevan, S/o. Elangovan in CrI.M.P.No.1414/2021. A careful perusal of the said order, brings to light that in the said case the petitioner had no previous case but in the case on hand, the petitioner is having two previous cases. Therefore, taking the said bail order as the basis for arriving at subjective satisfaction regarding 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 second respondent D.O.No.350/BCDFGISSSV/2025 dated 14.06.2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., K.Boopalan, son of Kannan, aged about 33 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.,)

18-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The State of Tamil Nadu



represented by its Secretary to Government,
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6.Inspector of Police,
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7.The Public Prosecutor,
High Court, Madras.

N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.



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