



HCP No.1618 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2025

CORAM

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

HCP No.1618 of 2025

Sivaneswari
W/o.Balaji,
No.5/5, Sakthivel Nagar, 6th Street,
Thiruverkadu, Chennai-600 077

Petitioner(s)

Vs

1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 099

2.The Commissioner of Police
Avadi Commissioner, Chennai

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

4.The Inspector of Police

Page 1 of 8



HCP No.1618 of 2025

T5-Thiruverkadu Police Station, Chennai

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Respondent(s)

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 30.06.2025 in BCDFGISSSV No.94 of 2025 against the petitioner's husband Balaji @ Karuppu Balaji, male, aged 22 years, S/o.Rajadurai, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Mr.R.Mukesh Kannah

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

ORDER

(made by N.Sathish Kumar, J.)

The petitioner, who is the wife of the detenu Balaji @ Karuppu Balaji, male, aged 22 years, S/o.Rajadurai, has come forward with this petition challenging the detention order passed by the second respondent dated



HCP No.1618 of 2025

30.06.2025 bearing BCDFGISSSV No.94 of 2025 slapped on her husband,

branding him as "Drug Offender" 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].

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



HCP No.1618 of 2025

enlarged on bail while passing the impugned order of detention.

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4. The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case and two adverse cases. The detenu has moved bail application in respect of the ground case and the same was dismissed. At present, there is no bail application pending against the detenu and therefore, there is no real possibility of the detenu coming out on bail in the near future. However, the detaining authority while passing the impugned detention order arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a bail order in CrI.M.P.No.2955 of 2021.

5. *Per contra*, the learned Additional Public Prosecutor submits



HCP No.1618 of 2025

that the order of detention has been passed on cogent and sufficient materials

and the same cannot be interfered with at the instance of the petitioner.

6. A perusal of the detention order shows that the bail application filed by the detenu was dismissed and the detenu has not moved any bail application in respect of the ground case so far. It is only stated that the detenu's relatives are intending to move bail application before the Court concerned and therefore, there is no real possibility of the detenu coming out on bail in the near future and therefore, the subjective satisfaction arrived at by the detaining authority regarding the imminent possibility of detenu being enlarged on bail shows clear non-application of mind. Therefore, the impugned preventive detention order deserves to be dislodged.

In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 30.06.2025 in BCDFGISSSV

No.94 of 2025 is hereby set aside. The detenu Balaji @ Karuppu Balaji,
Page 5 of 8



HCP No.1618 of 2025

male, aged 22 years, S/o.Rajadurai, 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.)

28.10.2025

nsd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 099

2.The Commissioner of Police
Avadi Commissioner, Chennai

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

4.The Inspector of Police
T5-Thiruverkadu Police Station, Chennai

5.The Public Prosecutor,
Madras High Court, Chennai.



HCP No.1618 of 2025

6. The Joint Secretary to Government,
Public (Law and Order),
Fort St. George, Chennai – 9.

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

nsd

HCP No.1618 of 2025



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HCP No.1618 of 2025

28.10.2025