



WEB COPY



HCP No.1633 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-10-2025

CORAM

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

HCP No.1633 of 2025

Dayana
W/o.Chandrasekar,
No.29, Sivalingam Street,
Ayanavaram, Chennai-600 023

Petitioner(s)

Vs

1.State of Tamil Nadu represented by
the Additional Chief Secretary to Government
Home, Prohibition and Excise Department, Fort
St.George, Chennai-9

2.The Commissioner of Police
The Greater Chennai City, Vepery, Chennai-7

3.The Superintendent of Prison
Central Prison, Puzhal, Chennai-66

4.The Inspector of Police
K-6, T.P.Chathiram Police Station, Chennai

Respondent(s)



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WEB COPY Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records relating to the detention order in Memo No.376/BCDFGISSSV/2025 dated 19.06.2025 passed by the second respondent under Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband Chandrasekar, S/o.Perumal, aged about 30 years, the detenu, now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner(s): Mr.D.Gopikrishnan
for Mr.J.Jawahar

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 Chandrasekar, S/o.Perumal, aged about 30 years, has come forward with this petition challenging the detention order passed by the second respondent dated 19.06.2025 bearing reference No.376/BCDFGISSSV/2025 slapped on her husband, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest



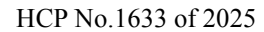
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Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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 enlarged on bail while passing the impugned order of detention.

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 one adverse case, but the detenu has not moved any bail application in respect of the ground case 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



5. In this regard, the learned counsel drew the attention this Court to the order in CrI.M.P.No.5272 of 2023, which is enclosed at Page No.36 of Volume I of the booklet. A careful perusal of the said order, brings to light that it is a case of statutory bail under Section 167(2) of Cr.P.C. Therefore, taking a default bail order as a basis for arriving at subjective satisfaction 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 19.06.2025 in No.376/BCDFGISSSV/2025 is hereby set aside. The detenu Chandrasekar, S/o.Perumal, aged about 30 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.)

25-10-2025

nsd
Index: Yes/No
Speaking/Non-speaking order



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Internet: Yes

Neutral Citation: Yes/No

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To

1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department, Fort
St.George, Chennai-9

2.The Commissioner of Police
The Greater Chennai City, Vepery, Chennai-7

3.The Superintendent of Prison
Central Prison, Puzhal, Chennai-66

4.The Inspector of Police
K-6, T.P.Chathiram Police Station, Chennai

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

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



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