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HCP.No.1650 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.1650 of 2025

Devi

... Petitioner
aunt of the detenu

Versus

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai – 600 009
 2. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police (Goondas Section)
Vepery, Chennai – 600 007
 3. The Superintendent of Prison
Central Prison, Puzhal
Chennai – 600 066
 4. The Inspector of Police
R-3 Ashok Nagar Police Station
Chennai – 600 083
- .. 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 calling for the entire records connected with the detention order of the second respondent in No.476/BCDEFGISSSV/2025 dated 15.07.2025 and quash the same and direct the respondents to produce the body and person of the petitioner's sister's son, namely Sakthivel, S/o.Saravanan, male, aged 20 years, detained at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel
for Mr.B.M.Santharam

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 aunt of the detenu Sakthivel, S/o.Saravanan, male, aged 20 years, has come forward with this petition challenging the detention order passed by the second respondent dated 15.07.2025 bearing reference No.476/BCDEFGISSSV/2025 slapped on her Sister's 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 Dhanushkodi in CrI.O.P.No.30749 of 2024, 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 10.12.2024 bail was granted to one Dhanushkodi in CrI.O.P.No.30749 of 2024. A careful perusal of the



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said order, brings to light that the facts of the said case is totally different as that of the instant case. In the similar case, the incident had occurred due to sudden provocation whereas in the instant case, there is a motive. 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 15.07.2025 in No.476/BCDEFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Sakthivel, S/o.Saravanan, male, aged 20 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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4. The Inspector of Police
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Chennai – 600 083
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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