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H.C.P.No.1656 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1656 of 2025

R.Ananthi

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Government of Tamilnadu, Home, Prohibition and Excise Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner of Police, Greater Chennai,
No.132, E.V.K.Sampath Road, Vepery, Periyamet,
Chennai.
3. The Inspector of Police, Beta – III EDF – II,
Central Crime Branch I,
No.132, E.V.K. Sampath Road,
Vepery, Periyamet, Chennai.
4. The Superintendent of Police,
Central Prison, Puzhal, Chennai.

... Respondents

Prayer: This Habeas Corpus Petition petition has been filed under Article 226 of the Constitution of India to issue Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 24.07.2025 bearing number No.482/BBCDEFGISSSV/2025 against the petitioner's son by name Thiru.Vishnukumar @ Shri Vishnukumar S/o.Pillaiyar Pillai aged about 32



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years, now confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the above said detenu before this Court and set him at liberty.

For Petitioner : Mr.D.O.Kaviyananthan for
M/s.Nathan and Associates

For Respondents : Mr.R.Muniyapparaj, Addl. Public Prosecutor,
Assisted by Mr.M.Sylvester John

ORDER

The petitioner, who is the mother of the detenu Vishnukumar @ Shri Vishnukumar S/o.Pillaiyar Pillai, male, aged 32 years, has come forward with this petition challenging the detention order passed by the second respondent dated 24.07.2025 bearing number No.482/BBCDEFGISSSV/2025 under Sub Section (1) of Section 3 of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law 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] r/w the order issued by the Government in G.O.(D) No.188, Home, Prohibition and Excise (XIV) Department, dated 16.07.2025 under Sub Section (2) of Section 3 of the said Act.



2

Heard the learned counsel for the petitioner and the learned Additional

Public Prosecutor appearing for the respondents.

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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, while passing the detention on the part of the detaining authority in arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail.

4

The detenu was arrested in Central Crime Branch-I Crime Nos.112 and 127 of 2025 of 2025 and based on the recommendation made by the sponsoring authority viz. the third respondent, the detaining authority viz. the second respondent has passed the detention order after arriving subjective satisfaction that there is imminent possibility of detenu being enlarged on bail.

5

In the detention order, it was stated that the detenu obtained an order of bail from this Court in Cr.No.20 of 2025, in which he was arrested for the offence under Sections 296, 126(2), 117(2), 85, 316(2) and 74 of BNS, after dismissal of the petitions filed before the Courts below. But a perusal of the order of bail granted to the detenu in



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Cr.No.20 of 2025, reveal that the learned Principal Sessions Judge, Chennai, has granted bail to the detenu vide order dated 24.10.2025 in CrI.M.P.No.9425 of 2025, which shows non application of mind on the part of the detaining authority. Therefore we are inclined to set aside the detention order.

6 Accordingly, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 24.07.2025 bearing number No.482/BBCDEFGISSSV/2025 detaining the petitioner's son Vishnukumar @ Shri Vishnukumar S/o.Pillaiyar Pillai, aged 32 years, who is confined at Central Prison, Chennai, is hereby set aside and the detenu Vishnukumar @ Shri Vishnukumar S/o.Pillaiyar Pillai, male, aged 32 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[PVJ]

[MJRJ]

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Government of Tamilnadu, Home, Prohibition and Excise Department,
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Central Crime Branch I,
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4. The Superintendent of Police, Central Prison, Puzhal, Chennai.
5. The Additional Public Prosecutor, Madras High Court.



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