



HCP No.1634 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2025

CORAM

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

HCP No.1634 of 2025

V.Selvi
W/o.Vijayakanth,
No.45, 13th Street, Nolambur,
Mogappair West, Chennai-600 036.

Petitioner(s)

Vs

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department, Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Greater, Chennai, Vepery, Chennai-600 007.

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

4.The Inspector of Police,
T-5, Vanagaram Police Station,
Chennai-600 077.

Respondent(s)



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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 25.07.2025 in Memo No.500/BBCDEFGISSSV/2025 against the petitioner's husband Vijayakanth, aged 34 years, S/o.Asaithambi, who is confined at the Central Prison, Puzhal, Chennai and to set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Mr.W.Camyles Gandhi

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 Vijayakanth, aged 34 years, S/o.Asaithambi, has come forward with this petition challenging the detention order passed by the second respondent dated 25.07.2025 bearing Memo No.500/BBCDEFGISSSV/2025 slapped on her husband, 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].

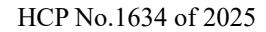


2. Heard the learned counsel for the petitioner and the learned

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 an adverse case. The detenu has not moved any bail application in respect of the adverse case and the bail application moved by the detenu in the ground case has been dismissed 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.768 of 2023.



6. A perusal of the detention order shows that no bail petition is pending against the detenu in respect of the ground case and adverse case and therefore, there is no real possibility of the detenu coming out on bail in the near future. If that be so, 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 25.07.2025 in Memo No.500/BBCDEFGISSSV/2025 is hereby set aside. The detenu Vijayakanth, aged 34 years, S/o.Asaithambi, is directed to be set at liberty forthwith unless he is required in connection with any other case.

nsd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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WEB COPY

To

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Home, Prohibition and Excise Department, Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Greater, Chennai, Vepery, Chennai-600 007.

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

4.The Inspector of Police,
T-5, Vanagaram Police Station,
Chennai-600 077.

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

nsd

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