



WEB COPY



HCP.No.1721 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1721 of 2025

Mrs.Aysath Vajeeha

... Petitioner
/Mother of the detenu

Versus

1. State of Tamil Nadu

Rep. By the Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St.George
Chennai – 600 009

2. The Commissioner of Police

The Greater Chennai City
Vepery, Chennai – 600 007

3. The Superintendent of Prison

Central Prison, Puzhal
Chennai – 600 066

4. The Inspector of Police

C-5, Kothawal Chavadi Police Station
Chennai

... 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 on the file of the second respondent relating to the detention order in Ref: Memo No.387/BCDFGISSSV/2025 dated 20.06.2025 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same as illegal, void and without jurisdiction and direct the respondents to produce the petitioner's son Hameed Aafik, S/o.Late Amanudeen, aged about 26 years, the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Dr.R.Meenachisundaram

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 mother of the detenu Hameed Aafik, S/o.Late Amanudeen, male, aged about 26 years, has come forward with this petition challenging the detention order passed by the second respondent dated 20.06.2025 bearing reference No.387/BCDFGISSSV/2025 slapped on her son, 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].



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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. The learned counsel for the petitioner submitted that 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 dated 02.12.2024 in Crl.M.P.No.13461 of 2024 wherein bail was granted to one Dinesh Prathap.

5. In this regard, the learned counsel drew the attention this Court to order in Crl.M.P.No.13461 of 2024, which is enclosed at Page No. 25 of Volume I of the booklet. A careful perusal of said order, brings to light that in the said case there was no previous case against the petitioner but in the present case there is one previous case against the detenu. Further, the detention order was passed on the next day of dismissal of detenu's bail



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application and hence, there was no possibility of detenu being enlarged on bail. Therefore, taking the said bail order and citing the pendency of bail petition for arriving at subjective satisfaction regarding the imminent possibility of detenu being enlarged on bail are clearly vitiated. Therefore, the impugned preventive detention order deserves to be dislodged.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 20.06.2025 in No.387/BCDFGISSSV/2025 is hereby set aside. The detenu viz., Hameed Aafik, S/o.Amanudeen, male, aged 26 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.]
28.11.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa



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2. The Commissioner of Police
The Greater Chennai City
Vepery, Chennai – 600 007
3. The Superintendent of Prison
Central Prison, Puzhal
Chennai – 600 066
4. The Inspector of Police
C-5, Kothawal Chavadi Police Station
Chennai
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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