



HCP No.1645 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.1645 of 2025

Raj Mahesh
S/o.Kuttan Pillai,
No.11/6, Thiruvalluvar Street, Pudhur,
Ambattur, Chennai.

Petitioner(s)

Vs

1.The Additional Chief Secretary to the Government
Home Prohibition and Excise Department,
Secretariat,Chennai - 600009.

2.The Commissioner of Police
Greater Chennai.

3.The Inspector of Police
K-8 Arumbakkam Police Station, Chennai.



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4.The Superintendent
Central Prison, Puzhal, Chennai.

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Respondent(s)

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the entire records, relating to petitioner's son detention under Tamil Nadu Act 14 of 1982 *vide* detention order dated 25.07.2025 on the file of the second respondent herein made in proceedings No.511/BBCDEFGISSSV/2025 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's son *viz.* Deepakraj, aged 26 years, son of Rajmahesh, before this High Court and set him at liberty.

For Petitioner(s): Mr.A.J.Magendiraverman

For Respondent(s): Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(made by N.Sathish Kumar, J.)

The petitioner, who is the father of the detenu Deepakraj, aged 26



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years, son of Rajmahesh, has come forward with this petition challenging

the detention order passed by the second respondent dated 25.07.2025

bearing No.511/BBCDEFGISSSV/2025 slapped on his 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].

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



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enlarged on bail while passing the impugned order of detention.

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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 a adverse case. The detenu has not moved any bail application in respect of those cases 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.13461 of 2024.

5. *Per contra*, the learned Additional Public Prosecutor submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

6. A perusal of the detention order shows that no bail petition is



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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 No.511/BBCDEFGISSSV/2025 is hereby set aside. The detenu Deepakraj, aged 26 years, son of Rajmahesh, 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.)

04.11.2025

nsd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

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2.The Commissioner of Police
Greater Chennai.

3.The Inspector of Police
K-8 Arumbakkam Police Station, Chennai.

4.The Superintendent
Central Prison, Puzhal, 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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