



WEB COPY



H.C.P. No.1658 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.12.2025

Coram:

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

H.C.P. No.1658 of 2025

Monisha @ Sumathi

.. Petitioner

Vs.

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George
Chennai – 600 009

2. The District Magistrate & District Collector
Tiruppur District, Tiruppur

3. The Superintendent of Police
Tiruppur, Tiruppur District

4. The Superintendent of Prison
Central Prison -Coimbatore
Coimbatore District

5. State rep. by its
The Inspector of Police
PEW-Dharapuram Unit
Tiruppur District

.. Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 21.06.2025 on the file of the second



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respondent herein made in proceedings Cr.M.P.No.44/Drug Offender/2025, quash the same as illegal and consequently, direct the respondents herein to produce the petitioner's husband namely Honestraj, S/o.Nataraj, aged 31 years, before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(The Order of the Court was made by P.Velmurugan, J)

This Habeas Corpus Petition has been filed to call for the entire records, relating to the petitioner's husband's detention under the Tamil Nadu Act 14 of 1982, vide detention order, dated 21.06.2025, on the file of the second respondent herein, made in proceedings Cr.M.P.No.44/Drug Offender/2025, quash the same as illegal and consequently, direct the respondents herein to produce the petitioner's husband, namely Honestraj, S/o.Nataraj, aged 31 years, before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Coimbatore.

2. Though the learned counsel for the petitioner took several grounds to quash the impugned order of detention, he focused mainly on the ground that no bail application was filed by the detenu and there was no likelihood of his release on bail, however, the



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detaining authority, passed the detention order by referring to a bail order dated 14.12.2022 made in CrI.M.P.No.1255 of 2022, which has no similarity.

3. Admittedly, in the said case, bail has been granted to the petitioner therein, under Section 167(2) of Cr.P.C., which is a mandatory bail, since the investigating officer had not filed the charge sheet within the statutory period. Therefore, the same cannot be relied on for case of the detenu.

4. Therefore, the order of detention dated 21.06.2025, passed by the second respondent herein in proceedings Cr.M.P.No.44/Drug Offender/2025 against the petitioner's husband, namely Honestraj, S/o.Nataraj, is hereby quashed on the ground of non application of mind on the part of the detaining authority while passing the impugned detention order.

5. The detenu, namely Honest Raj, S/o Nagaraj, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

6. With the above direction, this Habeas Corpus Petition is allowed.

(P.V., J) (M.J.R., J)
18.12.2025

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Neutral Citation: Yes/No



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To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George
Chennai – 600 009
2. The District Magistrate & District Collector
Tiruppur District, Tiruppur
3. The Superintendent of Police
Tiruppur, Tiruppur District
4. The Superintendent of Prison
Central Prison -Coimbatore
Coimbatore District
5. The Inspector of Police
PEW-Dharapuram Unit
Tiruppur District
6. The Public Prosecutor,
High Court, Madras.



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and

M.JOTHIRAMAN, J

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