



HCP.No.1677 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1677 of 2025

Sara Fathima
W/o.Muneer Hussain

... Petitioner/
Wife of the detenu

Versus

1. State of Tamil Nadu Rep.by its
Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai – 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Inspector of Police,
Cyber Crime Division -I,
Chennai.
4. The Superintendent,
Central Prison,
Puzhal, Chennai.

... Respondents



HCP.No.1677 of 2025

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, to call for the entire records, relating to petitioner's husband detention under Tamil Nadu Act 14 of 1982 *vide* detention order dated 24.07.2025 on the file of the second respondent herein made in proceedings No.481/BBCDEFGISSSV/2025 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's husband namely Muneer Hussain, aged 40 years, son of Siddique Hussain before this Court and set him at liberty, now petitioner's husband detained at Central Prison, Puzhal, Chennai – 600 066.

For Petitioner : Mr.C.C.Chellappan

For Respondents : Mr.R.Munniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by P.VELMURUGAN J.)

The Writ of Habeas Corpus Petition has been filed by wife of the detenu, Muneer Hussain, S/o.Siddique Hussain, aged 40 years, now confined in Central Prison, Puzhal, Chennai, assailing a preventive detention order dated 24.07.2025 bearing reference No.481/BBCDEFGISSSV/2025.



HCP.No.1677 of 2025

WEB COPY

2. Impugned detention order has been made under 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] branding the detenu as a ‘Cyber Law Offender’ within the meaning of Section 2(bb) of Act 14 of 1982.

3. The ground case in Crime No.32 of 2025 is for alleged offences under Sections 318 and 319 of Bharatiya Nyaya Sanhita, 2023 and Sections 66C and 66D of Information Technology Act, 2000, subsequently, altered to Sections 318(3), 318(4), 319, 351(2), 61(2) read with 3(5) of BNS and Sections 66C and 66D of Information and Technology Act, 2000.

4. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



HCP.No.1677 of 2025

WEB COPY

5. Though the learned counsel for the petitioner raised several grounds to assail the impugned order of detention, he mainly focused his argument on two grounds and they are as follows:

(i) the arrest intimation was not intimated to the near relatives or friends of the detenu and hence, there is statutory violation which vitiates the impugned detention order passed by the detaining authority. To substantiate the same, learned counsel brought to our notice the Arrest Intimation Form (Page No.95 of the booklet)

(ii) Adverting to the impugned detention order, learned counsel for the petitioner submitted that earlier the detenu filed a bail application in respect of the ground case in Crime No.32 of 2025 and the same was dismissed on 03.07.2025 by the XI Metropolitan Magistrate, Saidapet, Chennai in CrI.M.P.No.7210 of 2025. Subsequently, he filed another bail application for Crime No.32 of 2025 before the Principal Sessions Judge, Chennai in CrI.M.P.No.6185 of 2025 and the same was dismissed on 11.07.2025. He has moved another bail application before the Principal Sessions Court, Chennai in CrI.M.P.No.6802 of 2025 and the same is pending. However, the



HCP.No.1677 of 2025

WEB COPY

detaining authority has relied on the bail order granted to the co-accused in CrI.M.P.No.19579 of 2021, by the Principal Sessions Judge, Chennai in a similar case in Crime No.49 of 2021 registered for the offences under Sections 354D, 384, 419 and 420 IPC and inferred that there is very likely of the detenu coming out on bail in the ground case. However, the case relied on by the detaining authority is not similar in nature and the offences in the ground case are totally different. Therefore, there is non-application of mind on the part of the detaining authority arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail while passing the impugned order of detention.

6. The learned Additional Public Prosecutor appearing for the respondents-Police submitted that the detenu has committed a serious offence and it is not desirable to release the detenu, as his free movement in the society will be prejudicial to the maintenance of public order.

7. As far as the first ground is concerned, on a perusal of the booklet, it is seen that the detenu was arrested in the course of investigation in Crime



HCP.No.1677 of 2025

WEB COPY

No.32 of 2025 on 26.06.2025. It is seen from column No.12 of the Arrest Intimation Form that the arrest of the detenu in the ground case was intimated through Short Message Service (SMS) to his wife Fathima. Insofar as the signature of the witness is concerned, it is blank. There is mention about a mobile number to which SMS was sent. To substantiate the same, there is no other material. Further, the reason given is not acceptable as proper intimation has to be given to the detenu and the detenu must know the reason for his arrest. In the case on hand, the arrest intimation was not intimated to the near relatives of the detenu, which violates Article 22(5) of Constitution of India. On this ground, the order of detention is liable to be set aside.

8. As far as the second ground is concerned, a careful perusal of the booklet makes it clear that the offences in the ground case in Crime No.32 of 2025 and the case in Crime No.49 of 2021 are totally different, however, the detaining authority without considering the same, has passed the impugned detention order with total non-application of mind and the same is, therefore, vitiated. On this ground also, the order of detention is liable to be set aside.



HCP.No.1677 of 2025

WEB COPY

9. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 24.07.2025 in No. 481/BBCDEFGISSSV/2025 is hereby quashed and the detenu Muneer Hussain, S/o.Siddique Hussain, aged 40 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[P.V.,J.] [M.J.R.,J.]
19.12.2025

Index: Yes/No
Neutral Citation: Yes/No
ms



HCP.No.1677 of 2025

To
WEB COPY

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai – 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Inspector of Police,
Cyber Crime Division -I,
Chennai.
4. The Superintendent,
Central Prison,
Puzhal, Chennai.
5. The Public Prosecutor
High Court, Madras.



WEB COPY



HCP.No.1677 of 2025
P.VELMURUGAN, J.,
AND
M.JOTHIRAMAN, J.,

ms

H.C.P.No.1677 of 2025

19.12.2025