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H.C.P.No.1802 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1802 of 2025

Kalamarimuthu

... Petitioner/Detenu's Mother

-VS-

1. State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Home, Prohibition and Excise,
Secretariat, Chennai – 600 009.
 2. The Commissioner of Police,
Greater Chennai, Vepery, Chennai – 600 007.
 3. The Superintendent of Prison,
Puzhal, Chennai-600 066.
 4. The State Rep. by
The Inspector of Police,
V-6, Kolathur Police Station,
Chennai. (Crime No.185/2025)
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue writ of Habeas Corpus, calling for the records in Memo No.430/BCDFGISSSV/2025 dated 01.07.2025 on the file of the 2nd respondent and quash the detention order as illegal and direct the respondents to produce the detenu Kishore S/o.Marimuthu aged about 23



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years detainee now confined at Central Prison Puzhal Chennai and set him at liberty.

For Petitioner : Mr.V.Nallasenapathy

For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

The petitioner herein, who is the mother of the detainee, namely, Kishore S/o.Marimuthu aged about 23 years, detained at Central Prison, Puzhal, Chennai has come forward with this petition, challenging the detention order dated 01.07.2025, passed by the second respondent in No.430/BCDFGISSSV/2025, branding him as a "Goonda", as contemplated under Section 2(f) of 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).

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though learned counsel for the petitioner has raised several



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other grounds to assail the order of detention, he has mainly focused his argument on the ground that the detenue was remanded on PT warrant in respect of another case in Crime No.211 of 2025 on the file of the V-4, Rajamangalam Police Station, Chennai on 21.06.2025. However, the Detaining Authority, in the grounds of detention indicated the possibility of the detenue coming out on bail in the previous case in Crime No.185 of 2025 on the file of V-6, Kolathur Police Station. Hence, the subjective satisfaction of the Detaining Authority regarding the possibility of the detenue coming out on bail without referring to another case, suffers from non-application of mind.

4. In paragraph No.4 of the Grounds of Detention, the Detaining Authority has stated that there is a possibility of the detenue coming out on bail in the ground case in Crime No.185 of 2025 and there was no mention about the subsequent case in Crime No.211 of 2025 therein and therefore, the subjective satisfaction of the Detaining Authority, regarding the possibility of the detenue coming out on bail in one case suffers from non-application of mind, which vitiates the detention order.

5. The Hon'ble Supreme Court, in the case of ***Rekha Vs. State***



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of Tamil Nadu through Secretary to Government and Another reported in

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2011 [5] SCC 244, has dealt with a situation where the Detention Order is passed without an application of mind. In case any of the reasons stated in the order of detention is non-existent or a material information is wrongly assumed, that will vitiate the Detention Order. In the instant case, the Detaining Authority has arrived at the subjective satisfaction that the detainee is likely to be released on bail by referring to a bail order granted to an accused in a similar case in Cr.M.P.No.1358 of 2023. However, the said bail was granted on the ground that the investigation has been completed and not on merits and therefore, the subjective satisfaction of the Detaining Authority that the detainee is likely to be released on bail suffers from non-application of mind. Hence, on the above grounds, the Detention Order is liable to be quashed. It is relevant to extract paragraph Nos.10 and 11 of the said judgment of the Hon'ble Supreme Court:-

“10. In our opinion, if details are given by the respondent authority about the alleged bail orders in similar cases mentioning the date of the orders, the bail application number, whether the bail order was passed in respect of the co-accused in the same case, and whether the case of the co-accused was on the same footing as the case of the petitioner, then, of course, it could be argued that there is likelihood of the accused being released on bail, because it is the normal



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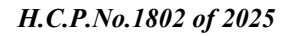
practice of most courts that if a co-accused has been granted bail and his case is on the same footing as that of the petitioner, then the petitioner is ordinarily granted bail. However, the respondent authority should have given details about the alleged bail order in similar cases, which has not been done in the present case. A mere ipse dixit statement in the grounds of detention cannot sustain the detention order and has to be ignored.

11.In our opinion, the detention order in question only contains ipse dixit regarding the alleged imminent possibility of the accused coming out on bail and there was no reliable material to this effect. Hence, the detention order in question cannot be sustained.”

6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the Second Respondent in No.430/BCDFGISSSV/2025 dated 01.07.2025, is hereby set aside. The detinue, viz., Kishore, S/o.Marimuthu, aged about 23 years, who is now confined in the Central Prison, Puzhal, Chennai is hereby directed to

N.SATHISH KUMAR, J.
AND



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(N.S.K,J.,) (M.J.R,J.,)
30.10.2025

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