



HCP.No.1806 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1806 of 2025

N.Balaramesh
S/o.Natarajan

... Petitioner/
Father of the detenu

Versus

1. State of Tamil Nadu
Rep.by Secretary to the Government Home,
Prohibition and Excise Department
Secretariat, Chennai – 600 009.
2. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
F-2, Egmore Police Station,
Chennai – 600 008.

.. 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, to call for the records relating to the impugned order No.549/BBCDEFISSSV/2025 dated 08.08.2025 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce namely Sarathkumar, son of Raja, aged about 36 years, now confined at Central Prison, Puzhal, Chennai – 66 before this Court and set him at liberty.

For Petitioner : Mr.G.Vinodh Kumar
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 petitioner, who is the father of the detenu Rakesh, son of Balaramesh, male, aged 30 years, has come forward with this petition challenging the detention order passed by the second respondent dated 08.08.2025 bearing reference No.550/BBCDEFGISSSV/2025, slapped on his son Rakesh, aged 30 years, now confined in Central Prison, Puzhal, Chennai, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders,



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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 several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, the learned counsel for the petitioner mainly focussed his argument on two grounds viz., (i) the booklet and grounds of detention were served on the detenu belatedly, which prevented the detenu from making an effective representation against the impugned order of detention; and (ii) when the bail application filed by the detenu in respect of the ground case was dismissed by the learned Principal Sessions Judge, Chennai in CrI.M.P.No.7121 of 2025 on 08.08.2025, without taking into consideration the above fact, the detaining authority, by inferring himself that there is a real possibility of the detenu coming out on bail, as in a similar case bail was granted to another accused, passed the impugned detention order on 08.08.2025, i.e., on the very same day of



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dismissal of the bail petition. Therefore, the subjective satisfaction arrived at by the detaining authority is erroneous. Thus, the detention order is vitiated on these grounds and the same is liable to be quashed.

4. The learned Additional Public Prosecutor appearing for the respondents-Police submitted that the booklet was supplied within five days from the date of detention and the detenu himself signed in it. He further 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.

5. In the instant case, though it is stated that bail was granted in a similar case, we find that the bail petition of the detenu in respect of the ground case was dismissed on 08.08.2025 and the detaining authority has passed the impugned detention order on the very same day i.e., on 08.08.2025. Therefore, the subjective satisfaction arrived at by the detaining authority is baseless and without any supporting material, which shows the



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total non-application of mind on the part of the detaining authority. For the aforesaid reasons, the detention order is liable to be quashed.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 08.08.2025 in No.550/BBCDEFGISSSV/2025 is hereby quashed and the detenu Rakesh, S/o.Balaramesh, male, aged 30 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.]
08.12.2025

Index: Yes/No
Neutral Citation: Yes/No
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To

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1. The Secretary to the Government Home,
State of Tamil Nadu,
Prohibition and Excise Department
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2. The Commissioner of Police,
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4. The Inspector of Police,
F-2, Egmore Police Station,
Chennai – 600 008.
5. The Public Prosecutor
High Court, Madras.



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