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HCP.No.1805 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1805 of 2025

Bharathi
W/o.Raja

... Petitioner/
Mother of the detenu

Versus

1. The Additional Secretary to the Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department
Fort St.George, Chennai.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai – 66.
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 mother of the detenu, Sarathkumar, son of Raja, aged about 36 years, has come forward with this petition challenging the detention order passed by the second respondent dated 08.08.2025 bearing reference No.549/BBCDEFGISSSV/2025, slapped on her son Sarathkumar, son of Raja, aged about 36 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,



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Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act,
1982 [Tamil Nadu Act 14 of 1982].

2. 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.

3. Though the learned counsel for the petitioner raised several grounds to assail the impugned order of detention, he mainly focused his argument on the ground that the detenu is in remand in the ground case in Crime No.547 of 2025 and he has moved a bail application (in the grounds of detention, the case number has been wrongly stated as Crl.M.P.No.7121 of 2025, which relates to the co-accused Rakesh and the same was dismissed on 08.08.2025), which is pending before the Principal Sessions Judge, Chennai but the copy of the same was not furnished in the booklet supplied to the detenu. Further, the detaining authority has relied on the bail order granted to the co-accused in Crl.M.P.No.6974 of 2025, by the Principal Sessions Judge, Chennai and inferred that there is very likely of the detenu



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coming out on bail in the ground case. Learned counsel for the petitioner submits that non-furnishing of vital document caused great prejudice to the detenu and he has been prevented from making an effective representation for consideration of the authorities concerned. Learned counsel further submits that when the bail application filed by the detenu is pending, the detaining authority has taken a view that the detenu may come out on bail in the ground case. This shows non-application of mind on the part of the detaining authority. Therefore, the impugned order of detention is liable to be set aside on these grounds.

4. 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.

5. On a perusal of the booklet, it is clear that the detaining authority, without considering the pendency of the bail petition, has passed the impugned detention order with total non-application of mind and the same



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is, therefore, vitiated and on this ground alone, the order of detention is and liable to be set aside.

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.549/BBCDEFGISSSV/2025 is hereby quashed and the detenu Sarathkumar, S/o.Raja, aged 36 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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5. The Public Prosecutor
High Court, Madras.



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