



WEB COPY

HCP No. 1944 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

HCP No. 1944 of 2025

Manonmani

Petitioner(s)

Vs

1.The Government of Tamil Nadu
rep. By its Addl. Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2.The Commissioner of Police,,
Greater Chennai Police,
Vepery, Chennai.

3.The Superintendent
Central Prison, Puzhal,
Chennai.

4.The Inspector Of Police
L & O, E-4 Abiramapuram Nagar Police Station,
Chennai.

Respondent(s)

**PRAYER**

This writ petition filed under Article 226 of the Constitution of India to issue a WRIT OF HABEAS CORPUS calling for records relating to the proceedings of the 2nd respondent in B.C.D.F.G.I.S.S.S.V.No.468 of 2025 dated 12.07.2025 against the petitioners son BABA SURESH @ SURESHKUMAR Male, aged about 26, S/o Kanniappan and quash the same and consequently direct the respondents herein to produce the detenu who is detained under the Tamil Nadu Act 14 of 1982 currently confined the Cetral Prison, Puzhal before this Honourable Court and set him at liberty.

For Petitioner(s): Mr. S.Senthilvel
for Mr.G.Pandian

For Respondent(s): Mr. A.Gokulakrishnan,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The petitioner herein, who is the mother of the detenu, namely, Baba Suresh @ Sureshkumar, aged about 26 years, S/o. Kanniappan detained at Central Prison, Puzhal, Chennai, has come forward with this petition, challenging the detention order dated 12.07.2025, passed by the second respondent in Memo No.468/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 other grounds to assail the order of detention, he has mainly focused his argument on the ground that the subjective satisfaction of the Detaining Authority regarding the possibility of the detainee coming out on bail, by relying upon the similar case in Crime No.179 of 2025, suffers from non-application of mind.

4. In paragraph No.4 of the Grounds of Detention Order, this Court finds



that the case relied upon by the Detaining Authority, in Crime No.179 of 2025 is not similar to the case on hand. The Detaining Authority has stated that there is a possibility of the detenu coming out on bail, but the detenu had not moved any bail application. Therefore, the subjective satisfaction of the Detaining Authority, regarding the possibility of the detenu coming out on bail suffers from non-application of mind, which vitiates the detention order.

5. The Hon'ble Supreme Court, in the case of *'Rekha Vs. State of Tamil Nadu through Secretary to Government and another'* reported in *'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. When the subjective satisfaction was irrational or there was non-application of mind, the Hon'ble Supreme Court held that the order of detention 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 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.



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7. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the SECOND RESPONDENT in Memo No.468/BCDFGISSSV/2025 dated 12.07.2025, is hereby set aside. The detenu, viz., Baba Suresh @ Sureshkumar, S/o.Kanniappan, aged about 26 years, who is now confined in the Central Prison, Puzhal, Chennai is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)
10-11-2025

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Speaking/Non-speaking order

Neutral Citation: Yes/No

mrp

To

1.The Additional Chief Secretary to the Government
Home Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2.The Commissioner of Police



Greater Chennai Police, Vepery, Chennai.

3. The Superintendent

Central Prison, Puzhal, Chennai.

4. The Inspector Of Police

L & O, E-4 Abiramapuram Nagar Police Station,
Chennai.

5. The Public Prosecutor,

High Court of Madras, Chennai.



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