



HCP.No.2004 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.12.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2004 of 2025

Porbavai
W/o.Rajendiran

... Petitioner/
Mother of the detenu

Versus

1. Government of Tamil Nadu,
Rep.by its Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The District Collector and District Magistrate of Vellore District,
Office of the District Collector and District Magistrate of
Vellore District,
Vellore – 9.



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3. The Superintendent of Police,
Vellore District.

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4. The Superintendent of Prison,
Central Prison, Vellore.

5. The Inspector of Police,
Latheri Police Station,
Vellore District,
Crime No.104 of 2025.

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records C3/D.O.No.34/2025/C2 dated 10.09.2025 on the file of the 2nd respondent and quash the same and direct the respondents herein to produce petitioner's son Thiru.Sathish, Aged 35 years, S/o.Rajendiran, who is now confined at Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.S.Silambuselvan

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

ORDER



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

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The petitioner, who is the mother of the detenu Sathish, S/o.Rajendiran, male, aged 35 years, has come forward with this petition challenging the detention order passed by the second respondent dated 10.09.2025 bearing reference C3/D.O.No.34/2025, slapped on her son Sathish, S/o.Rajendiran, male, aged 35 years, now confined in Central Prison, Vellore 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, 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.



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3. Amidst several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, the learned counsel for the petitioner confined his argument only with regard to non application of mind on the part of the detaining authority in arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail while passing the impugned order of detention.

4. Learned counsel for the petitioner submitted that the detenu has been remanded to judicial custody in connection with ground case and three adverse cases. At the time of passing the detention order, the detenu has not moved any bail application in respect of those cases and therefore, there is

no real possibility of the detenu coming out on bail in the near future.

However, the detaining authority after quoting that the detenu has not filed



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any bail application in the ground case, but by relying on a case registered in

Crime No.496 of 2024 on the file of the V-5 Thirumangalam Police Station

for the offence under Sections 191(2), 191(3), 126(2), 296(b), 109(1), 351(3)

of BNS, wherein bail has been granted to the accused Gokul Raj and Surya

Prakash in Crl.M.P.No.26094 of 2024, has come to the conclusion that there

is a real possibility of the detenu coming out on bail.

5. Per contra, learned Additional Public Prosecutor while reiterating the averments in the counter affidavit submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

6. Considering the submissions made by both sides, this Court is of the considered view that there is non application of mind on the part of the detaining authority while passing the impugned order. Admittedly, in the



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WEB COPY 7. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 10.09.2025 in



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C3/D.O.No.34/2025 is hereby quashed and the detenu Sathish, S/o.Rajendiran, male, aged 35 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.]

09.12.2025

Index: Yes/No

Neutral Citation: Yes/No

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To

1. The Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The District Collector and District Magistrate of Vellore District,
Office of the District Collector and District Magistrate of
Vellore District, Vellore – 9.
3. The Superintendent of Police,
Vellore District.



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4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Latheri Police Station, Vellore District.
6. The Public Prosecutor
High Court, Madras.

P.VELMURUGAN, J.,
AND

M.JOTHIRAMAN, J.,

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