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HCP No. 2080 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

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

HCP No. 2080 of 2025

Mahalakshmi
W/o.Moorthybabu,
No.31/24, Saraswathy Nagar,
6th Street, Ambattur, Chennai.

Petitioner(s)

Vs

1. State of Tamil Nadu represented
By Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.

2.The Commissioner of Police,
Greater, Chennai.

3.The Superintendent of Prison,
Central Prison Puzhal, Chennai.

4.State Rep by
Inspector of Police,
M-3, Puzhal Police Station,
Chennai.

Respondent(s)

PRAYER



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This writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records of the 2nd Respondent pertaining to the order made in Memo No.444/BCDFGISSSV/2025, Dated 04.07.2025 in detaining the detenu under the Tamilnadu Act 14/1982 as a brand of Goonda and quash the same and direct the respondents to produce the detenu, namely Dilip Alias Moorthybabu, Son of Sekar, aged 40 years, who is detained at the Central Prison Puzhal, Chennai, before this Honble Court and set him at liberty.

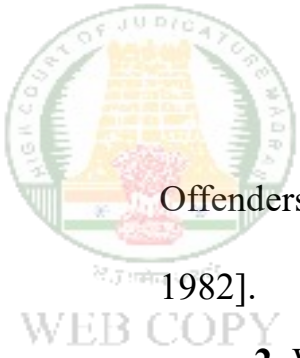
For Petitioner(s): Mr. S.Karthick

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

ORDER

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

The petitioner/ detenu viz., Dilip @ Moorthybabu, aged about 40 years, S/o.Sekar, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 04.07.2025 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. 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 several grounds are raised in the petition, the learned counsel for the petitioner pointed out that, the bail order in CrI.M.P.No.5181 of 2023 dated 11.12.2023, relied upon by the Detaining Authority is not similar to the case on hand. Therefore, the learned counsel submitted that the Detaining Authority has not applied its mind while expressing its subjective satisfaction that the detenu is also likely to be released on bail.

4. The learned Additional Public Prosecutor would also fairly state that the similar case relied upon by the detaining authority is not a similar one.

5. It is seen from the records that in Page Nos.102 to 104 of Volume-II of the booklet, this Court finds that the case relied upon by the Detaining Authority, in CrI.M.P.No.5181 of 2023 dated 11.12.2023 is not similar to the case on hand and the bail was granted to the accused therein, mainly on the



ground that he has one previous case. But in this case, the learned Additional Public Prosecutor submitted that four adverse cases are pending against the detenu. Hence, this Court is of the view that the subjective satisfaction of the Detaining Authority that the detenu is also likely to be released on bail, by relying upon the aforesaid similar case, suffers from non-application of mind.

6. 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



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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.”

7. 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.

8. Accordingly, the detention order passed by the second respondent on 04.07.2025 in No.444/BCDFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., **Dilip @ Moorthybabu**, aged 40 years, **S/o. Sekar**, confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)



26-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

To

1. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.

2. The Commissioner of Police,
Greater, Chennai.

3. The Superintendent of Prison
Central Prison Puzhal, Chennai.

4. Inspector of Police,
M-3, Puzhal Police Station, Chennai.

5. The Public Prosecutor,
High Court of Madras, Chennai.



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