



HCP.No.2103 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2103 of 2025

Mrs.Vani

... Petitioner

Versus

1. The State of Tamil Nadu

Rep. By the Additional Chief Secretary to Government

Home, Prohibition and Excise (XVI) Department

Fort St.George, Secretariat

Chennai – 600 009

2. The Commissioner of Police

Office of the Commissioner of Police

Greater Chennai



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3. The Superintendent of Prison

Central Prison at Puzhal, Chennai – 600 066

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4. The Inspector of Police

V-7, Nolambur Police Station

Chennai District

... 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 calling for the records in Detention order in No.529/BBCDEFGISSSV/2025 dated 31.07.2025 on the file of the 2nd respondent and set aside the same and direct the respondents herein to produce the son of the petitioner/detenu Mr.Dhanush, S/o.Dhanasekar, aged 21 years now confined in Central Prison at Puzhal, Chennai before this Honble Court and set him at liberty.

For Petitioner : Mr.R.Subadra Devi

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner, who is the mother of the detenu Dhanush, S/o.Dhanasekar, male, aged 21 years, has come forward with this petition challenging the detention order passed by the second respondent dated 31.07.2025 bearing reference Memo No.529/BBCDEFGISSSV/2025 slapped on her son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum



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Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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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, in the hearing, 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. The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case and six adverse cases, but in the case relied by the Detaining Authority, there is only one previous case and therefore, there is non-application of



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mind in arriving at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on the bail order in Crl.M.P.No.26094 of 2024.

5. A perusal of the said order order in Crl.M.P.No.26094 of 2024, which is enclosed at Page No. 119 of Volume I of the booklet shows that there is only one previous case against the said accused and therefore, the subjective satisfaction arrived at by the detaining authority regarding the imminent possibility of detenu being enlarged on bail shows clear non-application of mind. Therefore, the impugned preventive detention order deserves to be dislodged.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by second respondent dated 31.07.2025 in Memo No.529/BBCDFGISSSV/2025 is hereby set aside and. The detenu viz., Dhanush, S/o.Dhanasekar, male, aged 21 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.



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[N.S.K.,J.] [M.J.R.,J.]

24.11.2025

Index: Yes/No

Neutral Citation: Yes/No

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To

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1. The Additional Chief Secretary to Government
Home, Prohibition and Excise (XVI) Department
Fort St.George, Secretariat
Chennai – 600 009
2. The Commissioner of Police
Office of the Commissioner of Police
Greater Chennai
3. The Superintendent of Prison
Central Prison at Puzhal, Chennai – 600 066
4. The Inspector of Police
V-7, Nolambur Police Station
Chennai District
5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
6. The Public Prosecutor
High Court, Madras.



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