



HCP.No.2099 of 2025

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.2099 of 2025

Karthika

... Petitioner

Versus

1. The State of Tamil Nadu

Rep. By The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St.George
Chennai – 600 009

2. The Commissioner of Police

Greater Chennai
Vepery, Chennai – 600 007

3. The Superintendent of Prison

Central Prison, Puzhal, Chennai- 600 066

4. The Inspector of Police

T-5 Vanagaram Police Station
Chennai

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus call for the records relating to the detention order in Memo No. 528/BBCDEFGISSSV/2025 Dt.

1/6



HCP.No.2099 of 2025

31.07.2025 passed by the 2nd respondent under the Tamilnadu Act 14/1982 and set aside the same and direct the respondents to produce the petitioners husband Sankar S/o. Elumalai aged about 30 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Honble Court and set him at liberty.

For Petitioner : Mr.A.Vinoth Kumar

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 wife of the detenu Sankar S/o. Elumalai male, aged about 30 years, has come forward with this petition challenging the detention order passed by the second respondent dated 31.07.2025 bearing reference Memo No.528/BBCDEFGISSSV/2025 slapped on her husband, 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 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 several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned



HCP.No.2099 of 2025

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 two adverse cases, but the detenu has not moved any bail application in respect of the ground case and therefore, there is no real possibility of the detenu coming out on bail in the near future, however, the detaining authority while passing the impugned detention order arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a bail order in CrI.M.P.No.26094 of 2024.

5. In this regard, the learned counsel drew the attention this Court to the order in CrI.M.P.No.26094 of 2024, which is enclosed at Page No. 57 of Volume II of the booklet. A perusal of the said order shows that the petitioners therein were having only one previous case 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



HCP.No.2099 of 2025

deserves to be dislodged.

WEB COPY

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 31.07.2025 in Memo No.528/BBCDEFGISSSV/2025 is hereby set aside and. The detenu viz., Sankar, S/o.Elumalai, male, aged 30 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[N.S.K.,J.] [M.J.R.,J.]
24.11.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa



HCP.No.2099 of 2025

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St.George
Chennai – 600 009
2. The Commissioner of Police
Greater Chennai
Vepery, Chennai – 600 007
3. The Superintendent of Prison
Central Prison, Puzhal, Chennai- 600 066
4. The Inspector of Police
T-5 Vanagaram Police Station
Chennai
5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
6. The Public Prosecutor
High Court, Madras.



WEB COPY



HCP.No.2099 of 2025
N.SATHISH KUMAR, J.,
AND

M.JOTHIRAMAN, J.,

gpa

H.C.P.No.2099 of 2025

24.11.2025