



HCP.No.2128 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.2128 of 2025

Sumathi

... Petitioner

Versus

1. The Additional Chief Secretary to the Government
Home, Prohibition and Excise (XVI) Department
Secretariat
Chennai – 9
2. The Commissioner of Police
Greater Chennai
3. The Superintendent of Prison
Central Prison Puzhal



HCP.No.2128 of 2025

Chennai District

4. The Inspector of Police

(Law and Order)

S-8, Adambakkam Police Station

Chennai

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the entire records in connection with the detention order in No.370/BCDFGIISSSV/2025 dated 19.06.2025 on the file of Respondent No.2 and quash the same and direct the respondents to produce the person of petitioner son on named Mr.Nandhakumar @ Nandha S/o.Mari @ Thomas, aged about 29 years, now confined at Central Prison, Puzhal before this Honble Court and set him at liberty forthwith

For Petitioner : Mr.P.Muthamizhselvakumar

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 Nandhakumar @ Nandha S/o.Mari @ Thomas, male, aged 29 years, has come forward with



HCP.No.2128 of 2025

this petition challenging the detention order passed by the second respondent

dated 19.06.2025 bearing reference No.370/BCDFGISSSV/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 Grabbers and

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



HCP.No.2128 of 2025

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 three adverse cases and 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 dated



HCP.No.2128 of 2025

29.07.2024 in Crl.M.P.No.20525 of 2024 wherein bail was granted to one

WEB COPY

Karthick @ Sottai Karthick.



HCP.No.2128 of 2025

5. In this regard, the learned counsel drew the attention this Court to order in CrI.M.P.No.20525 of 2024, which is enclosed at Page No. 115 of Volume I of the booklet. A careful perusal of the said order, brings to light that the said case is totally different as that of the instant case. Therefore, taking the said bail order as a basis for arriving at subjective satisfaction regarding the imminent possibility of detenu being enlarged on bail is clearly vitiated. 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 the second respondent dated 19.06.2025 in No.370/BCDFGISSSV/2025 is hereby set aside. The detenu viz., Nandhakumar @ Nandha S/o.Mari @ Thomas, male, aged 29 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.



WEB COPY



HCP.No.2128 of 2025

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

24.11.2025

Index: Yes/No

Neutral Citation: Yes/No

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HCP.No.2128 of 2025

WEB COPY

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3. The Superintendent of Prison
Central Prison Puzhal
Chennai District
4. The Inspector of Police
(Law and Order)
S-8, Adambakkam 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.2128 of 2025
N.SATHISH KUMAR, J.,
AND
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gpa

H.C.P.No.2128 of 2025



WEB COPY



HCP.No.2128 of 2025

24.11.2025