



HCP.No.2151 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.2151 of 2025

Maheswari

... Petitioner

Versus

1. The State of Tamil Nadu

Rep. By its Secretary to Government

Home, Prohibition and Excise Department

Fort St.George

Chennai – 9

2. The District Magistrate and District Collector

Office of District Magistrate and District Collector

Erode District



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3. The Superintendent of Prison
Central Prison, Coimbatore

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4. The Superintendent of Police
Office of Superintendent of Police
Erode

5. The Inspector of Police
AWPS- Erode Police Station
Erode District

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the entire records relating to petitioner's son detained under Tamilnadu Act 14 of 1982 vide detention order dated 24.07.2025 on the file of the second respondent herein made in proceeding Memo C.M.P.No.38/Sexual Offender/2025/C1 dated 24.07.2025 and quash the same as illegal and consequently direct the respondents herein to produce petitioner's son namely Tamilselvan, aged 31 years before this Honble High court and set petitioner's son at liberty from detention, now the petitioner's son is detained at Central prison, Coimbatore.

For Petitioner : Mr.V.K.Vengadesh Durai
for Mr.Deepanuday

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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



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The petitioner, who is the mother of the detenu Tamilselvan, S/o.Dharmalingam, male, aged 31 years, has come forward with this petition challenging the detention order passed by the second respondent dated 24.07.2025 bearing reference C.M.P.No.38/Sexual Offender/2025 C1 slapped on her son, branding him as "Sexual Offender" 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 counsel for the petitioner confined his argument only with regard to non-



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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 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 03.08.2019 in C.M.P.No.348 of 2019 wherein statutory bail was granted to one Murugesan, S/o.Ramasamy.

5. In this regard, the learned counsel drew the attention this Court to order in C.M.P.No.348 of 2019, which is enclosed at Page No. 5 of Volume II of the booklet. A careful perusal of the said order, brings to light that it is a



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case of statutory bail under Section 167(2) of Cr.P.C. Therefore, taking a default bail order as a basis for arriving at subjective satisfaction 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 the second respondent dated 24.07.2025 in C.M.P.No.38/Sexual Offender/2025/C1 is hereby set aside. The detenu viz., Tamilselvan, S/o.Dharmalingam, male, aged 31 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



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6. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
7. The Public Prosecutor



High Court, Madras.

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