



HCP.No.2266 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.2266 of 2025

Sivasankari

... Petitioner

Versus

1. 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,
The Greater Chennai City,
Vepery, Chennai – 600 007.
- 3.The Superintendent of Prison
Central Prison, Puzhal, Chennai – 600 066.



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4. The Inspector of Police
E-1, Mylapore 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.408/BCDFGISSSV/2025, dated 27.06.2025 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband Tamilarasan S/o. Palani aged about 25 years, the detenu, now confined in Central Prison, Puzhal, Chennai before this Court.

For Petitioner : Mr.S.Mohan Raj

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu Tamilarasan, S/o. Palani, male, aged about 25 years, has come forward with this petition challenging the detention order passed by the second respondent dated 27.06.2025 bearing reference No.408/BCDFGISSSV/2025, slapped on the petitioner's husband branding as "Drug Offender" under the Tamil Nadu Prevention of Dangerous



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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.



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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 four 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 04.06.2021 in Crl.M.P.No.1414 of 2021 wherein bail was granted to one Vasu @ Vasudevan.



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5. In this regard, the learned counsel drew the attention this Court to order in CrI.M.P.No.1414 of 2021, which is enclosed at Page No. 76 of Volume I of the booklet. A careful perusal of the said order, brings to light that the said case is totally different. In the said case, there was no previous case against the petitioner therein whereas in this case there are four adverse cases against the detenu. 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 27.06.2025 in No.408/BCDFGISSSV/2025 is hereby set aside and. The detenu viz., Tamilarasan, S/o.Palani, male, aged 25 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.]

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Index: Yes/No

Neutral Citation: Yes/No

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To
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2. The Commissioner of Police,
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- 3.The Superintendent of Prison
Central Prison, Puzhal, Chennai – 600 066.
4. The Inspector of Police
E-1, Mylapore Police Station,
Chennai.
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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