



HCP.No.2259 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.2259 of 2025

Rajeswari

... Petitioner
/Mother of the detenu

Versus

1. State of Tamilnadu
Rep by the Additional Chief Secretary
Home, Prohibition and Excise Department
Secretariat, Chennai-600 009
2. The Commissioner of Police
Greater Chennai
Vepery, Chennai – 600 007
3. The Inspector of Police
P-1, Pulianthope Police Station
Chennai
4. The Superintendent of Prison
Central Prison-II
Puzhal, Chennai – 600 066

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of



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India praying for a Writ of Habeas Corpus calling for the records relating to the detention order in Memo No.319/BCDFGISSSV/2025 dated 04.06.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Thiru.Rahul, S/o.Arokiyadass aged about 22 years, the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son at liberty.

For Petitioner : Mr.R.Muthukumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

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

The petitioner, who is the mother of the detenu Rahul, S/o.Arokiyadass, aged about 22 years, has come forward with this petition challenging the detention order passed by the second respondent dated 04.06.2025 bearing reference Memo No.319/BCDFGISSSV/2025 slapped on his 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].



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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 two adverse cases, but 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 19.09.2024 in CrI.M.P.No.26094 of 2024 wherein bail was granted to one Gokul Raj and another.

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. 73 of the booklet. A careful perusal of the said order brings to light that the accused



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in the said case had only one previous case but in the case on hand there are two previous cases and therefore, the 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 04.06.2025 bearing reference No.319/BCDFGISSSV/2025 is hereby set aside. The detenu viz., Rahul, S/o.Arokiyadass, male, aged 22 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



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To

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Home, Prohibition and Excise Department
Secretariat, Chennai-600 009
2. The Commissioner of Police
Greater Chennai
Vepery, Chennai – 600 007
3. The Inspector of Police
P-1, Pulianthope Police Station
Chennai
4. The Superintendent of Prison
Central Prison-II
Puzhal, Chennai – 600 066
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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