



H.C.P.(MD)No.136 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 17.11.2025

PRONOUNCED ON : 19.11.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD)No.136 of 2025

Kalaiselvi

... Petitioner

-VS-

1. The State of Tamilnadu, Rep By,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
2. The District Collector and District Magistrate,
Perambalur District.
3. The Superintendent,
Central Prison, Trichy.
4. The Inspector of Police,
All Women Police Station,
Perambalur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, calling for the records relating



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to the impugned order of Detention made in Cr.M.P.No.28/2024 dated 24.12.2024 on the file of the District Collector and District Magistrate, Perambalur District, Ariyalur, the 2nd respondent herein, branding the petitioner's husband/ detenu by name Rajendran, son of Chandrasuriyan, aged 59 years as 'SEXUAL OFFENDER' who is now confined in Central Prison, Tiruchirappalli, Tiruchirappalli District and quash the impugned order of detention and set him at liberty by producing him before this Court.

For Petitioner : Mr.T.J.Ebenezer Charles

For Respondents : Mr.A.Thiruvadikumar,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by ***C.V.Karthikeyan, J.***)

The petitioner is the wife of the detenu namely Rajendran, son of Chandrasuriyan, aged 59 years. The detenu had been detained by the second respondent by his order in Cr.M.P.No.28/2024 dated 24.12.2024 holding him to be a “Sexual Offender” as contemplated under Section 2(ggg) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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2. We have heard the learned counsels appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. The first point raised by the learned counsel for the petitioner is that the detenu was arrested on 26.11.2024 and the order of detention was passed on 24.12.2024. It had been contended by the learned counsel that there was no live and proximate link between the date of arrest and the date of detention. However, on a perusal of the records, we do not agree with the said point.

4. It is seen from the records that FIR in Crime No.79 of 2024 had been registered by the All Woman Police Station, Perambalur for offences punishable under Sections 9(f), 9(m) and 10 of POCSO Act, 2012 altered into Sections 9(f), 9(m) and 10 of POCSO Act, 2012 and Section 3(1)(xi) and (xii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on 26.11.2024, on a



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complaint lodged by the father of the victim child. The detenu was working as a Vocational Teacher in the Government Higher Secondary School, Ammapalayam and the daughter of the complainant had stated that he had sexually assaulted her. On a further investigation, it was found that the detenu had been involved in similarly sexually assaulting totally 10 young children, all around the age of 11 or 12 years. The prosecution necessary had to record the statement of all the children and thereafter, had to record the evidence of other Teachers in the school and also had to examine several other children to find out whether any other victims were involved and thereafter, had to place the material before the Detaining Authority for coming to a subjective satisfaction whether to pass the detention order. It is only natural that this process would take considerable period of time and within a reasonable period of time, the detention order had been passed. We therefore, reject this particular ground raised.

5. The second ground raised by the learned counsel for the petitioner is that the Detaining Authority had stated that there is a possibility of the detenu coming out on bail. He had stated that in a



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similar case, registered in the very same police station/All Woman Police Station, Perambalur in Crime No.07/2022, for offences punishable under Sections 9(f), 9(m), 10, 11(1), 12 and 18 of POCSO Act, 2012, bail had been granted by the Mahila Court, Perambalur. It therefore, had been contended that there is a possibility, if the detenu applies for bail, he might get a favourable order in that regard. Learned counsel for the petitioner stated that there were no materials available with the Detaining Authority to come to such a conclusion. In this connection, he placed a reliance on the judgment of the Hon'ble Supreme Court reported in **2006 2 SCC 664 [T.V.Saravanan @ S.A.R.Prasana Vnkatachaariar Chaturvedi Vs. State Through Secretary & Anr.]**

6. However, the learned Additional Public Prosecutor had placed reliance on the judgment of the Hon'ble Supreme Court reported in **2012 2 SCC 389 [G. Reddeiah v. Government of Andhra Pradesh]**, wherein it had been held that if the detention order has been passed after due satisfaction with respect to that particular aspect, then there cannot be any infirmity in the detention order.



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7. In the judgment referred by the learned counsel for the petitioner, *T.V.Saravanan's case* referred supra, the Hon'ble Supreme Court was concerned with a case where the appellant had moved an application for bail, which was rejected and had filed another bail application, which was withdrawn. Thereafter, no further bail application had been filed. It was under those circumstances that the Hon'ble Supreme Court had stated that when there was nothing on record to show that the appellant therein had made any preparation for filing a bail application, the subjective satisfaction arrived by the Detaining Authority would necessarily have to be interfered with. In the instant case, however, the detenu was charged with committing sexual assault on 10 young defenceless minor children aged around 11 to 12 years. He was in a position of influence as their Vocational Teacher. The Detaining Authority would certainly have to take into consideration the possibility of the detenu coming out on bail and contrast with the necessity to pass the detention order to prevent further victimisation of the children, who had already suffered in his hands and prevent further involvement by the detenu of similar offences of vulnerable similarly aged children. We



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therefore, hold that the Detaining Authority had considered all the relevant factors in this particular aspect. We therefore, reject the ground raised by the learned counsel for the petitioner.

8. The third ground raised by the learned counsel for the petitioner is that in the documents which had been filed at page Nos.70 and 71 of the Booklet, which was the order in the bail application filed by the detenu and claimed that it was not legible and could not be read.

9. We have perused the records. What had been forwarded is the order of the Sessions Judge, Mahila Court dismissing the bail application filed by the detenu. This order is to the knowledge of the detenu. As a matter of fact, the Tamil version had also been given to the detenu. We find that the order is legible and therefore, reject this ground raised by the learned counsel for the petitioner.

10. The last ground raised by the learned counsel for the petitioner is with respect to the remand extension order, which was



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furnished at page No.65 of the Documents furnished to the detenu. It is claimed that it was in English. However, the detenu is not an uneducated person. He is a Vocational Teacher in a school. He is well qualified to read English and as a matter of fact, the Tamil version had also been given at page No.66. We therefore, reject this ground also raised by the learned counsel for the petitioner.

11. In view of all these facts, the Habeas Corpus Petition stands dismissed.

[C.V.K., J.]

[R.V., J.]

19.11.2025

vsm

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



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To

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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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