



H.C.P.(MD) No.644 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2025

CORAM:

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

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S.Isravel

... Petitioner

Vs

1.State of Tamilnadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 9..

2. The District Magistrate And District Collector,,
Thoothukudi District, Thoothukudi.

3. The Superintendent of Prison,,
Central Prison, Palayamkottai
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records connected with the detention order passed in H.S.(Confdl) No.134/2024 dated 02.12.2024 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son ie., Ponsingh aged about 42 years S/o.Isravel, now



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detained at the Central Prison, Palayamkottai, before this court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

(Order of the court was made by C.V.KARTHIKEYAN, J.)

The petitioner is the father of the detenu viz.,Ponsingh S/o. Isravel, aged about 42 years. The detenu has been detained by the 4th respondent by Detention Order in H.S.(Confdl) No.134/2024 dated 02.12.2024 holding him to be a 'Sexual Offender', as contemplated under Section 2(ggg) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the materials available on record.

3. The first ground raised by the learned counsel for the petitioner is that there were totally three accused in FIR in Crime Nos.30/2024 and



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31/2024 and the petitioner was the first accused and the detention order was passed only against the petitioner herein and not against the other two accused.

4. The learned Additional Public Prosecutor, however, stated that the petitioner had committed the offence and had exercised influence in his capacity as Physical Education Teacher. The other two accused, who were Headmaster and another officer of the school. They had only tried to protect the petitioner and had not committed the offence.

5. We had also perused the records. It is the petitioner, who had actually committed the offences, for which, FIR in Crime Nos.30/2024 and 31/2024 had been registered for offences punishable under Sections 9,10,19(1), 21(ii) of the POCSO Act 2012 read with Section 77 of the Juvenile Justice Act and Section 127(2) of the BNS, 2023. The school children had specifically complained about the offence committed by the petitioner herein. We therefore, reject this particular ground raised.



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6. The 2nd ground raised by the learned counsel for the petitioner is that in the detention order, it had been stated that there is a possibility of the petitioner coming out on bail, if he files a bail application and it had also been stated that he had tried to file bail application. In this connection, the learned counsel for the petitioner pointed out that at the time of arrest, the investigating officer had stated that there is no likelihood of jumping bail by the petitioner herein. We would like to clarify that whenever any arrest is made, the investigating officer would have to record the personal details of the person, who had been arrested and whether there were any injuries, moles, scars, tattoos and while filling up the specific format he would also have to state whether any finger prints taken or not and whether he was in possession of any arms and operates with accomplices, his past criminal records and whether there was likelihood of jumping bail and whether if released on bail, there is a possibility of him committing the offence and whether he is wanted in any other case. This is a format which the investigating officer would have to prepare whenever an arrest is made, taking into consideration the facts at the time of the arrest. The investigating officer had knowledge that the petitioner was employed as physical training teacher in a school, and had



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therefore stated that there was no possibility of him jumping bail. This is different from grant of bail. We, therefore, reject this particular ground raised by the learned counsel for the petitioner.

7. The third ground raised by the learned counsel for the petitioner is that the arrest intimation was given by Short Messaging Service (SMS) to a close relative. We find no procedure irregularity in informing the arrest through SMS to the close relative of the detenu. We reject that particular ground.

8. To satisfy ourselves, we had called for the details relating to the representation given by the petitioner and the dates on which the same had been considered. The representation was dated 09.06.2025 and received on 12.06.2025 and it had been dealt with by the Deputy Secretary on 12.06.2025 itself. There were two intervening holidays on 14.06.2025 and 15.06.2025 and thereafter it was rejected on 16.06.2025 and the same was despatched through speed post and received by the prison department on 19.06.2025 and served on the detenu on 19.06.2025 itself. We find that there was no delay in considering the representation given by the



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petitioner. We find no other grounds have been raised.

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9. In view of the aforesaid discussions, the Habeas Corpus Petition stands dismissed.

[C.V.K., J.] [R.V., J.]
18.11.2025

NCC : Yes / No
Index : Yes / No
RR

To:

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 9..

2. The District Magistrate And District Collector,,
Thoothukudi District, Thoothukudi.

3. The Superintendent of Prison,,
Central Prison, Palayamkottai
Tirunelveli.

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



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