



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.443 of 2026

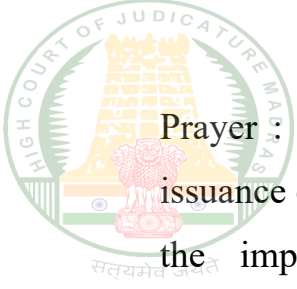
Mageswari
W/o.Packirisamy,
No.02, Kottai Medu Street,
Nagapattinam District.

...Petitioner/Mother of
the detenu

Vs

1. The State of Tamil Nadu rep. by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
3. The Superintendent of Police,
Cuddalore District,
Cuddalore.
4. The Superintendent,
Central Prison Cuddalore,
Cuddalore District.
5. The Inspector of Police,
Cyber Crime Police Station,
Cuddalore District.

...Respondents



Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the impugned order of detention passed by the 2nd respondent in C3/D.O./111/2025 dated 31.10.2025 and quash the same as illegal and consequently directing the respondents to produce the detenu namely, Ramesh, Age 33, S/o.Packirisamy, now detained in the Central Prison Cuddalore, before the Court and set him at liberty.

For Petitioner: Mr.C.R.Gokul Visvas

For Respondents: Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The mother of detenu - Ramesh, aged 33 years, S/o.Packirisamy, has filed this petition challenging the detention order dated 31.10.2025, branding him as a 'Cyber Law Offender' under Section 2(bb) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for the petitioner and learned counsel for the Government of Tamil Nadu (Criminal Side) for the respondents.

3. The detention order is liable to be quashed for more than one reason. In the grounds of detention, the detaining authority has stated that the detenu was in remand and had not filed any bail application and that there is likelihood of



detenu coming out on bail. Firstly, there was no material before the detaining authority that the detenu is taking steps to file a bail application. Hence, the subjective satisfaction of the detaining authority that the detenu is likely to be released on bail is his mere *ipse dixit*.

4. Secondly, the detaining authority had relied upon an order passed in a bail application of another accused in CrI.M.P.No.2458 of 2025 passed by the learned Judicial Magistrate No.III, Cuddalore, dated 04.03.2025, where the facts are said to be similar to the case of the detenu. The detaining authority ought to have seen whether the facts in the bail order relied upon by him were comparable to the facts of the instant case. In the order relied upon by the detaining authority, it is seen that the learned Magistrate, had granted bail under Section 167(2) Cr.P.C. since the final report was not filed within the statutory period and not on its merits. Therefore, the reliance upon the said order has also vitiated the subjective satisfaction of the detaining authority as regards the possibility of the detenu obtaining bail.

5. It is also seen that some of the pages in the booklet have not been translated in Tamil which is the language known to the detenu. For instance, page nos.39 to 57 are the details of the complaint against the detenu sent by e-mail. The said document has not been translated, thereby, denying the right of the detenu to make effective representation. In '**Powanammal Vs. State of**



Tamil Nadu reported in '*(1999) 2 SCC 413*', the Hon'ble Supreme Court had held that non-supply of relevant documents in the language known to the detenu renders the detenu's detention illegal.

6. Therefore, for the aforesaid reasons, the detention order is liable to be quashed. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C3/D.O./111/2025 dated 31.10.2025, is set aside.

7. The detenu, viz., Ramesh, aged 33 years, S/o.Packirisamy, who is now confined in Central Prison, Cuddalore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
12-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Issue Order Copy today.
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To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
3. The Superintendent of Police,
Cuddalore District,
Cuddalore.
4. The Superintendent,
Central Prison Cuddalore,
Cuddalore District.
5. The Inspector of Police,
Cyber Crime Police Station,
Cuddalore District.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
7. The Public Prosecutor,
High Court of Madras.

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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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