



H.C.P.No.486 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.486 of 2026

A.Nizar (M/36),
S/o. Anurao,
Door No.14/11 A, Bharathi Nagar, 5th Street,
Ganapathy, Coimbatore East – 641 006
now confining at Central Prison,
Coimbatore.

.. Petitioner

VS

1.The State rep. by its
The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Coimbatore City.

3.The Superintendent of Prison,
Central Prison at Coimbatore.

4.The Inspector of Police,
All Women Police Station (East),
Coimbatore City.

.. Respondents



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records in Detention No.C.No.90/G/IS/2025 dated 26.05.2025 on the file of the 2nd respondent and set aside the same and direct the respondents herein to produce the petitioner / detenu A.Nizar, S/o. Anurao, aged 36 years, now confined in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Mr.Mohamed Saifulla

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER

(Made by SUNDER MOHAN, J.)

The detenu - A.Nizar, S/o. Annurao, aged 36 years, has filed this petition challenging detention order dated 26.05.2025, branding him as 'Sexual Offender' under Section 2(ggg) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents.

3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.



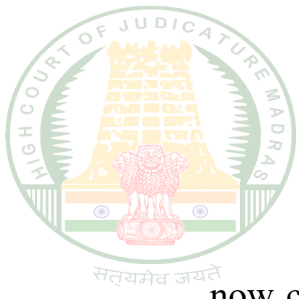
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4. In paragraph No.7 of the grounds of detention the detaining authority had observed that the detenu had not filed any bail application; that the wife of the detenu was taking steps to bring him out on bail, as evident from her statement; and that in a similar case in CMP No.260 of 2020 by the order dated 04.06.2020, the Principal Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, had granted bail.

5. However, on perusal of the said order in CMP No.260 of 2020, which is furnished in the booklet, we find that the bail was granted under Section 167(2) of the Cr.P.C. as the police in that case had not filed the final report within the time stipulated and not on merits. Therefore, the reliance placed on the said order by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. The inference that the detenu is likely to be released on bail and consequently, would indulge in further criminal activities also is without any basis. Hence, the detention order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.No.90/G/IS/2025 dated 26.05.2025 is set aside.



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7. The detenu, viz., A.Nizar, S/o. Annurao, aged 36 years, who is

now confined in Central Prison, Coimbatore, 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.]
20.04.2026

Index:Yes/No

Neutral Citation:Yes/No

ssm/ars

Note : Issue Today

To

- 1.The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George,
Secretariat, Chennai-600 009.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Coimbatore City.
- 3.The Superintendent of Prison,
Central Prison at Coimbatore.
- 4.The Inspector of Police,
All Women Police Station (East), Coimbatore City.
- 5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
- 6.The Public Prosecutor,
High Court, Madras.

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DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

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