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HCP No. 1081 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

HCP No. 1081 of 2025

Visalatchi
W/o.Nagendran
Door No.25, Maleepoo Colony,
1st Street, Vyasarpadi,
Chennai - 600039.

Petitioner

Vs

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St.George, Chennai - 600009.
2. The Commissioner of Police
O/o.The Commissioner of Police
Greater Chennai, Chennai-600007.
3. The Superintendent
Central Prison Puzhal-II,
Puzhal, Chennai - 600066.
4. State rep by The Inspector of Police
P-6 Kodungaiyur Police Station
Kodungaiyur, Chennai - 600118.

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent in No.287/BCDFGISSSV/2025 dated 28.05.2025 against petitioner's son branding him as "GOONDA" and quash the same and direct the respondents to produce petitioner's son Ajithraj, S/o



Nagendran, aged about 29 years, now confined at Central Prison, Puzhal-II, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner: Mr.S.Senthilvel
For Respondents: Mr.R.Muniapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER
(Order of the Court was made by P.Velmurugan J.)

The petitioner, who is the mother of the detenu, viz., Ajithraj, S/o Nagendran, aged 29 years, now confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in proceedings No.287/BCDFGISSSV/2025 dated 28.05.2025.

2. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

3. We have perused the detention order passed by the second respondent. In paragraph-4 of the grounds of detention, the detaining authority has stated that the detenu is in remand in P-3 Vyasarpadi Police Station Crime No.08/2025 and P-6 Kodungaiyur Police Station Crime No.244/2025 and he has not moved any bail applications in respect of the second adverse case and the ground case and that the relatives of the detenu are taking action to file bail applications in



both the second adverse case and the ground case before the appropriate Court.

The detaining authority has also relied upon the bail order granted in a similar case by the Principal Sessions Court, Chennai in CrI.M.P.No.26094 of 2024 in respect of other accused and therefore there is a real possibility of the detenu coming out on bail in the second adverse case and the ground case.

4. It is seen that the detenu has been arrested in the second adverse case pertaining to Crime No.08/2025 for the offence under Sections 191(2), 191(3), 127(2), 296(b), 132, 109, 351(3) of Bharatiya Nyaya Sanhita, 2023 r/w 25(1)(a) of Arms Act, 1959 and in the ground case pertaining to Crime No.244/2025 for the offence under Sections 109, 132 of Bharatiya Nyaya Sanhita, 2023, 8(c) r/w 20(b)(ii)(B), 29(i) of Narcotic Drugs and Psychotropic Substances Act, 1985 and 25(1)(a) of Arms Act, 1959. However, a perusal of the bail order in CrI.M.P.No.26094 of 2024 dated 19.09.2024 by the Principal Sessions Court, Chennai shows that the accused therein were arrested for the offence under Sections 191(2), 191(3), 126(2), 296(b), 109(1), 351(3) of Bharatiya Nyaya Sanhita, 2023 and not under the Arms Act or Narcotic Drugs and Psychotropic Substances Act. When the detenu did not move the bail applications in the second adverse case and the ground case, the subjective satisfaction arrived at by the detaining authority that there is a possibility of the detenu coming out on bail in the second adverse case and the ground case, since the accused in similar case were earlier granted bail, suffers from total non-application of mind on the



part of the detaining authority, which vitiates the impugned detention order.

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5. In view of the above, this habeas corpus petition is allowed and the impugned detention order made in proceedings No.287/BCDFGISSSV/2025 dated 28.05.2025 on the file of the second respondent, is set aside. The detenu, namely, Thiru.Ajithraj, S/o Nagendran, aged about 29 years, is directed to be set at liberty forthwith, unless his custody is required in connection with any other case.

(P.VELMURUGAN J.) (M.JOTHIRAMAN J.)
16-02-2026

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

SS



To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St. George, Chennai - 600009.
2. The Commissioner of Police
O/o. The Commissioner of Police
Greater Chennai, Chennai-600007.
3. The Superintendent
Central Prison
Puzhal-II, Puzhal, Chennai - 600066.
4. The Inspector of Police
P-6 Kodungaiyur Police Station, Kodungaiyur,
Chennai – 600118.
5. The Public Prosecutor
High Court, Madras



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AND
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