



HCP.No.1396 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1396 of 2025

Selvam

... Petitioner

Vs.

State Represented by

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai – 600 066.
4. The Inspector of Police,
W.13 All Women Police Station,
Washermenpet, Chennai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in No.274/BCDFGISSSV/2025 dated 23.05.2025 passed by the 2nd respondent and quash the same as illegal and consequently direct the respondents to produce Durai, Son of Muthusamy, aged about 48 years, who is now confined at Central Prison, Puzhal, before this Court and set him at liberty.

For Petitioner	: Mr.D.Pugazh Nandhan
For Respondents	: Mr.R.Muniyapparaj 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 brother of the detenu viz., Durai, S/o.Muthusamy, aged about 48 years, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 23.05.2025 bearing reference No.274/BCDFGISSSV/2025, slapped on his brother (the detenu), branding him as "Sexual Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic



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Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video

Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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

3. Though several grounds have been raised in this petition, the learned counsel for the petitioner primarily contended that the detenu has not moved any bail application in respect of the ground case and therefore, there is no real or imminent possibility of the detenu being coming out on bail in the near future. However, the Detaining Authority proceeded on the assumption that the brother of the detenu was taking steps to secure bail for the detenu and inferred that there was a likelihood of the detenu coming out on bail. Therefore, the subjective satisfaction arrived at by the detaining authority is erroneous. Thus, the detention order is vitiated on this ground and the same is liable to be quashed.

4. Per contra, learned Additional Public Prosecutor submits that the detenu is a Sexual Offender. The victim, aged about eight years is a physically challenged child (deaf and dumb). Taking advantage of the



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vulnerability, the detenu committed penetrative sexual assault on the victim more than once. Hence, based on the complaint lodged by the mother of the victim, a case in Crime No. 9 of 2025 was registered against the detenu for the offences under Sections 6 and 10 of the Protection of Children from Sexual Offences Act, 2012 and Sections 96 and 115(2) of Bharatiya Nyaya Sanhita, 2023. He further submitted that after taking into consideration the serious nature of offence committed by the detenu and upon a careful perusal of connected materials and evidences, the detaining authority arrived at a subjective satisfaction and took a well-considered decision to detain the detenu under Section 2(ggg) of the Tamil Nadu Act 14 of 1982 as “Sexual Offender” and passed the impugned order of detention and the same cannot be interfered with at the instance of the petitioner.

5. The victim, aged about 8 years, is a physically challenged child. The detenu, aged about 48 years, had committed penetrative sexual assault on the victim. We have carefully perused the entire materials available on record. Having regard to the grave and serious nature of the offences, the sponsoring authority, upon arriving at a subjective satisfaction that recourse to ordinary law would not suffice to prevent the



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detenu from indulging in such activities, has rightly sponsored the detenu before the Detaining Authority for detention under Act Tamil Nadu Act 14 of 1982. The Detaining Authority, on considering all the facts and circumstances of the case and upon due application of mind at every stage, has validly passed the order of detention against the detenu. We do not find any illegality or irregularity, warranting interference by this Court. This Court further finds that no legally sustainable ground has been made out to quash the order of detention and the grounds urged by the petitioner do not merit acceptance.

6. Accordingly, the Habeas Corpus Petition is dismissed.

[P.V.,J.] [M.J.R.,J.]

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Index: Yes/No
Neutral Citation
Speaking / Non Speaking
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WEB COPY

To

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High Court of Madras.



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