



HCP.No.1379 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. 1379 of 2025

K.Meena
D/o.Kaliyaperumal

... Petitioner

Vs.

1. The Secretary to the Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai – 600 009.
2. District Collector and Magistrate of
Mayiladuthurai District, Mayiladuthurai.
3. The Superintendent of Police,
Mayiladuthurai District, Mayiladuthurai.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
All Women Police Station,
Mayiladuthurai & District.

... Respondents



HCP.No.1379 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 05.07.2025 in C.O.C.No.26/2025 against the petitioner's brother Mathumohan, male aged 35 years, S/o.Kaliyaperumal, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner	: Mr.D.Balaji
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 sister of the detenu viz., Mathumohan, S/o.Kaliyaperumal, male, aged 35 years, confined at Central Prison, Cuddalore, has come forward with this petition challenging the detention order passed by the second respondent dated 05.07.2025 bearing reference No.C.O.C.No.26/2025, slapped on her 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 Offenders, Sand



HCP.No.1379 of 2025

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 mainly focused his arguments on the following grounds, viz.,

(i) the language known to the detenu is Tamil, whereas, the Accident Register, which was relied on by the detaining authority was furnished to the detenu only in English, which the detenu is not conversant with;

(ii) the detenu had moved a bail application in the ground case in Crime No.17 of 2025 in CrI.M.P.No.812 of 2025, which came to be dismissed by the learned District and Sessions Judge, Mayiladuthurai. However, while passing the impugned detention order, the detaining authority arrived at a subjective satisfaction regarding the imminent possibility of the detenu coming out on bail by relying on bail orders dated 19.03.2025 in CrI.M.P.No.318 of 2025 and 21.03.2023 in



HCP.No.1379 of 2025

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Crl.M.P.No.322 of 2023, wherein statutory bail was granted to one Narayanasamy, S/o.Kathan and Senivasan, S/o.Sundaramoorthy, respectively. Thus, the subjective satisfaction arrived at by the detaining authority is vitiated on these grounds and the same is liable to be quashed.

4. *Per contra*, learned Additional Public Prosecutor submitted that the victim, aged about 15 years, is a school going child and that the detenu, aged about 35 years had committed penetrative sexual assault on the victim. Based on the complaint lodged by the victim, a case in Crime No.17 of 2025 came to be registered against the detenu for the offences under Sections 6 read with 5(1) of the Protection of Children from Sexual Offences Act (Amendment Act, 2019) and Sections 131 and 351 (2) of Bharatiya Nyaya Sanhita, 2023. He further submitted that after taking into consideration the serious nature of the offence committed by the detenu and upon a careful perusal of connected materials and evidence, the detaining authority arrived at a subjective satisfaction and passed the impugned detention order after due application of mind.

5. Upon careful consideration of the submissions advanced by the



HCP.No.1379 of 2025

learned counsel on either side and on perusal of the materials on record,

this Court is of the view that the detenu, aged about 35 years, is alleged to have committed penetrative sexual assault on a minor girl, aged about 15 years, which is a matter of grave concern to society. 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 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 the grounds raised by the petitioner amount to only technical irregularities and do not merit acceptance. The Habeas Corpus Petition is dismissed, accordingly.

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

05.01.2026

Index: Yes/No
Neutral Citation
Speaking / Non Speaking
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Page 5 of 7



HCP.No.1379 of 2025

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6. The Public Prosecutor
High Court of Madras.



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