



H.C.P.No.1681 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.04.2026

CORAM :

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

H.C.P.No.1681 of 2025

Mohamed Farook Male, aged 53 years,
S/o. Abu Bakkar,
No.1/114, Vellalar Street, Avoor,
Valangaiman Taluk,
Thiruvarur District.

.. Petitioner

VS

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Police,
Tambaram City.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 66.

4.The Inspector of Police, Law & Order
T-10 Manimangalam Police Station,
Chennai.

.. Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 07.08.2025 in Memo. No.89/BCDFGISSSV/2025 against the petitioner's son namely Mohamed Ihlas, Male, aged 22 years, S/o.



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Mohamed Farook, who is confined at Central Prison, Puzhal, Chennai, and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

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

ORDER

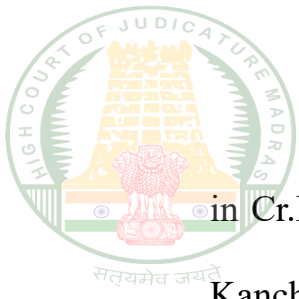
(Made by SUNDER MOHAN, J.)

The father of the detenu - M.Mohamed Ihlas, who has been branded as Cyber Law Offender under Section 2(bb) passed under the provision of Tamil Nadu Preventive Detention Act, 1982, has challenged his detention order dated 01.08.2025.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. On a perusal of the grounds of detention, we are of the view that the impugned order is liable to be set aside on the sole ground that the subjective satisfaction of the detaining authority that the detenu is likely to be released on bail suffers from non-application of mind.

4. In the grounds of detention, it is stated that the detenu had applied for bail in CrI.M.P.No.1467 of 2025 and the same was dismissed on 01.08.2025. The detaining authority has relied upon an order passed



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in Cr.M.P.No.1341 of 2025 by the Principal District and Sessions Court,

Kancheepuram on 14.07.2025 to infer that the detenu in the present case also is likely to be released on bail.

5. However, we find that the offences in both the cases are not similar. The detenu in the present case is charged for the offences under Sections 77, 79, 351(3) of the Bharatiya Nyaya Sanhita, 2023 and 67, 67-A of the Information and Technology Act, 2000, whereas in the case relied upon by the detaining authority, the accused therein was charged for the offences under Sections 77, 78 of the BNSS and 66 E of the Information Technology Act, 2000.

6. Since the detaining authority ought not to have relied upon the said order, we find that the subjective satisfaction of the detaining authority that the detenu is likely to be released on bail suffers from non-application of mind.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.89/2025, dated 07.08.2025 is set aside.

8. The detenu, viz., M.Mohamed Ihlas, S/o. Mohamed Farook, aged 22 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.



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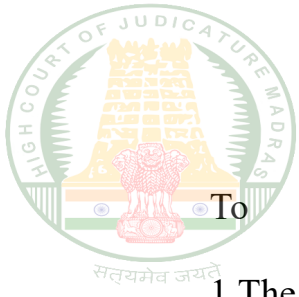
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9. Learned Additional Public Prosecutor would submit that the key witness in this case is yet to be examined before the trial Court. Therefore, in the peculiar circumstance of the case, though we have quashed the detention order, we direct the detenu to stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station every day at 10.30 a.m. until further orders. The detenu is also directed to appear on all hearing dates before the trial Court. He is exempted from signing before the Inspector of Police, on the hearing dates before the trial Court. The detenu is also at liberty to seek relaxation of the condition by filing a Miscellaneous Petition in this Habeas Corpus Petition, if there is any change in circumstances.

[A.S.M, J.] [S.M, J.]
10.04.2026

Index:Yes/No
Neutral Citation:Yes
sl

Note : Issue Today



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To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner of Police,
Tambaram City.
- 3.The Superintendent of Prison,
Central Prison Puzhal,
Chennai - 66.
- 4.The Inspector of Police, Law & Order
T-10, Manimangalam Police Station,
Chennai.
- 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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