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H.C.P.Nos.1755, 1762 & 1768 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2026

CORAM :

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

H.C.P.Nos. 1755, 1762 & 1768 of 2025

Vidhyadharan, Male aged 58 years,
S/o. Velayudhan,
Puthayathukudy, Kulathungamaly,
Okkal Post, Ernakulam District,
State of Kerala. .. Petitioner in HCP.No.1755 of 2025

Kuttappan, Male aged 58 years,
S/o. Kunjayappan,
Alappattu, Vattaparambu,
Kalady Post, Mattor,
Ernakulam District.
State of Kerala. .. Petitioner in HCP.No.1762 of 2025

Kusumam, Female aged 54 years,
W/o. Davis,
Palatty, Pullathan Kavala,
Manjapra, Ernakulam District,
State of Kerala. .. Petitioner in HCP.No.1768 of 2025

VS

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

2.The District Collector and District Magistrate,
Office of the District Collector,
Coimbatore District – 641 018.



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3.The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore District – 641 018.

4.The Superintendent of Prison,
Central Prison Coimbatore,
Coimbatore – 641 018.

5.The Inspector of Police,
Madukkarai Police Station,
Coimbatore – 641 105.

...Respondents in all HCPs

Prayer in HCP.No.1755 of 2025: Petition filed under Article 226 of the Constitution of India praying to issue to writ of habeas corpus to call for the entire records connected with the detention order of the 2nd respondent in Cr.M.P.No.34/G/2025 dated 18.08.2025 and quash the same and direct the respondents to produce the body and person of petitioner's son namely Vishnu son of Vidhyadharan aged 31 years detained in Central Prison, Coimbatore, before this Hon'ble Court and set him at liberty forthwith.

Prayer in HCP.No.1762 of 2025: Petition filed under Article 226 of the Constitution of India praying to issue to writ of habeas corpus to call for the entire records connected with the detention order of the 2nd respondent in Cr.M.P.No.33/G/2025 dated 18.08.2025 and quash the same and direct the respondents to produce the body and person of petitioner's son namely Maneesh son of Kuttappan aged 32 years detained in Central Prison, Coimbatore, before this Hon'ble Court and set him at liberty forthwith.

Prayer in HCP.No.1768 of 2025: Petition filed under Article 226 of the Constitution of India praying to issue to writ of habeas corpus to call for



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the entire records connected with the detention order of the 2nd respondent in Cr.M.P.No.35/G/2025 dated 18.08.2025 and quash the same and direct the respondents to produce the body and person of petitioner's son namely Joseph son of Davis aged 27 years detained in Central Prison, Coimbatore, before this Hon'ble Court and set him at liberty forthwith.

(In all HCPs)

For Petitioner : Mr.B.M.Santharam
for Mr.W.Camyles Gandhi

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

COMMON ORDER
(Made by Dr.ANITA SUMANTH, J.)

The father / mother of the co-accused in Crime No.251 of 2024 have moved these three Habeas Corpus Petitions challenging orders of detention, all dated 18.08.2025 in the cases of the three detenus viz., (i)Vishnu S/o Vidhyadharan, (ii) Maneesh S/o Kuttappan and (iii) Joseph S/o Davis branding them as Goonda under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2.The grounds on which the challenges have been mounted are, that there is no link between the arrest and the detention insofar as the arrest in all three cases is dated 17.07.2025 whereas the order of detention is dated 18.08.2025, reliance of the authority on the bail



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obtained in Crime No.251 of 2024 is misconceived and there are significant dissimilarities between the cases of the present petitioners and the case upon which reliance has been placed by the authority.

3.We have heard Mr.B.M.Santharam, learned counsel for the petitioners and Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, for the respondents.

4.The date of the arrest in all three cases is 17.07.2025 and date of detention is 18.08.2025. Hence, there is a delay of a month in passing the orders of detention. The Supreme Court, in ***Sushanta Kumar Banik Vs. State of Tripura***, [2022 LiveLaw (SC) 813], has opined that there should be proximity between the date of arrest and passing of the order of detention in order to establish the link between the cause for arrest and detention. The relevant paragraph of the aforesaid judgment is as follows:

“20. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is



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unreasonable and stands unexplained depends on the facts and circumstances of each case.”

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5. In the present case, the link between the grounds of detention and the purpose of detention had not been fully established and stands snapped. The subjective satisfaction on the basis of which the order of detention has been passed is thus vitiated.

6. Moreover, the circumstances under which bail was granted in C.M.P.No.139 of 2025, are not entirely similar, in that the charge in that case was under Sections 310(2) alone, whereas in the present case, charges under Section 140(2) and 311 of BNS, 2023 have also been included. In fact, the charges against the present petitioners are graver than the charges in the other case.

7. It is thus the case of the petitioners, that bail had been granted in that case on account of the lesser charges and in the present case, there is only a remote chance of them being enlarged on bail. Their submissions are also supported by the fact that all three petitioners have moved bail applications that were dismissed on 11.08.2025.

8. One more point of dissimilarity is that the number of adverse cases in the cases of the three petitioners is less than the number of adverse cases in the case of the petitioner in C.M.P.No.139 of 2025, who was granted bail.



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9. In light of the discussion aforesaid, there is no justification in sustaining the impugned orders and the Habeas Corpus Petitions are allowed. Detention Orders passed by the second respondent in Cr.M.P.No.34/G/2025, Cr.M.P.No.33/G/2025 and Cr.M.P.No.35/G/2025 all dated 18.08.2025 are set aside.

10. The detenus, viz., Vishnu, S/o.Vidhyadharan, aged 31 years (HCP No. 1755/25), Maneesh, S/o.Kuttappan, aged 32 years (HCP No. 1762/25) and Joseph, S/o. Davis, aged 27 years (HCP No. 1768/25), now confined in Central Prison, Coimbatore, are directed to be set at liberty forthwith unless their presence is required in connection with any other case.

[A.S.M, J.] [S.M, J.]
17.03.2026

Index:Yes/No
Speaking order
Neutral Citation:Yes
vs

Note to Registry : Issue Today.

To

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



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Central Prison, Coimbatore,
Coimbatore – 641 018.

5.The Inspector of Police,
Madukkarai Police Station,
Coimbatore – 641 105.

6.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

7.The Public Prosecutor,
High Court, Madras.



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DR. ANITA SUMANTH,J.
and
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