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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1761 of 2025

Geethapriya
W/o.Vinoth
No.97, C-Block, Tamil Nadu Board,
Kamarajapuram, Ambattur, Chennai – 53.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police
Avadi City.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai - 66.
4. The Inspector of Police, Law & Order
T-1 Ambattur Police Station,
Chennai.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India praying to issue a writ of Habeas Corpus or any other writ or order in the nature of detention passed by the second respondent 06.08.2025 in Memo No.121/TNPD/APC/2025 against the petitioner husband namely Vinoth, Male,



aged 22 years, S/o. Aruldoss, who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

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For Petitioner(s): Mr.S.Senthilvel

For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

The wife of one Vinoth (Detenu), S/o Aruldoss, has moved the present petition challenging an order passed under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum Grabbers Act, 1982 (Tamil Nadu Act 14 of 1982) on 06.08.2025 directing preventive detention of the detenu with a view to prevent him from acting in a manner prejudicial to maintenance of public order.

2.Mr.S.Senthilvel, learned counsel appearing for the petitioner would argue that there is absolutely no basis for the passing of the impugned order. The only reasons set out in the order are (i) the statement of the sponsoring authority that the petitioner is taking steps to enlarge the detenu on bail and (ii) a similar case in Cr.No.472 of 2024, bail had been granted by the High Court in CrI.O.P.No.27950 of 2024, and there is an apprehension that bail may hence be granted in the present case as well.



3. According to the petitioner, both the reasons set out as above are erroneous in fact, and since the detention order is solely based on the aforesaid two grounds, the order stands vitiated and would have to go.

4. Per contra, Mr. R. Muniyapparaj, learned Additional Public Prosecutor who appears for the respondents would reiterate the reasons set out in the impugned order, arguing that there was no infirmity in the same.

5. Having heard both the learned counsel, we are of the considered view that the detention order does not set out any justifiable reasons for us to confirm the same. Apart from the present ground case, there are two adverse cases, in respect of which the petitioner has been enlarged on bail.

6. Records have been produced by learned Additional Public Prosecutor in support of the statement that the petitioner is taking steps for bail of the detenu. The statement produced before us is unsigned and undated. We are unaware of the circumstances in which the statement has been recorded and in the absence of a signature, there is also a doubt cast upon its very credibility.

7. In such circumstances, no credence can be given to the statement and we disavow the same. Apart from the statement of the sponsoring authority to the effect that the petitioner is taking steps to obtain bail, there is not a scrap of any other evidence produced before us to justify the aforesaid statement. This point hence would have to be decided in the petitioner's favour.



8. As far as reliance on the bail granted in Crl.O.P.No.27950 of 2024 on 08.11.2024 is concerned, we have perused the aforesaid order which has been placed as part of the paper book and finds that there is no connection between that order and the present matter. In the absence of any relevance having been made out by the respondents, reference to that order is of no avail to them.

9. On the basis of the aforesaid discussion, we find no justification in the passing of the impugned order and hence set aside the same. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Memo No.121/TNPD/APC/2025, dated 06.08.2025 is hereby set aside.

10. The detenu, viz., Vinoth, S/o.Aruldoss, male, aged 22 years, 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.

(A.S.M.,J.) (S.M.,J.)
02-03-2026

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

Note: Registry is directed to issue a copy of this order today.



To

1. The Additional Chief Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police
Avadi City.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai - 66.
4. The Inspector of Police, Law & Order
T-1 Ambattur Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

VS

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