



WEB COPY



H.C.P.No.1870 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM :

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

H.C.P.No.1870 of 2025

Sumathi, Age / 43

.. Petitioner

VS

1.State Rep. By,
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600009.

2.The Commissioner of Police,
Salem City.

3.The Superintendent of Police,
Central Prison, Salem.

4.The Inspector of Police,
Attaiyampatti Police Station,
Salem.

.. Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus or any other writ or a direction, calling for the records in CMP No.49/Goonda/Salem City/2025 dated 22.8.2025 on the file of the Commissioner of Police, Salem City, the 2nd respondent herein and quash the same as illegal and direct the respondent to produce the detenu Rappar @ Jayaprakash, S/o. Balasubramani, aged 26 years, now confined in Central Prison, Salem, before this Court and set him at liberty.



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H.C.P.No.1870 of 2025

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

ORDER
(Made by SUNDER MOHAN, J.)

The mother of the detenu - Rappar @ Jayaprakash, who has been branded as Goonda under Section 2(f) passed under the provision of Tamil Nadu Preventive Detention Act, 1982, has challenged his detention order dated 22.8.2025.

2. The learned counsel for the petitioner submitted that the detention order is liable to be quashed for two reasons. Firstly, the detaining authority had relied upon an order passed in CMP No. 731 of 2025 wherein the accused was granted bail under Section 187 (3) of BNS, 2023 and, therefore the subjective satisfaction arrived at suffers from non-application of mind. Secondly, there was no bail application filed by the detenu and though the detaining authority has stated that a relative of detenu is taking efforts to move bail application, there is no material to substantiate the said statement.

3. Heard the learned Additional Public Prosecutor.

4. We find that the order passed in CMP No. 731 of 2025 is not on merits and only on the ground that the police had not filed the final report



H.C.P.No.1870 of 2025

within the statutory limit under Section 187(3) of BNS, 2023 and therefore, the detaining authority ought not to have relied upon the said order to conclude that the detenu is likely to be released on bail. Secondly, there is no material to show that the relatives of detenu were taking steps to move bail application though in the order he had stated that the relatives are taking steps. Therefore, for both the reasons, the detention order passed by the detaining authority suffers from non-application of mind and is liable to be quashed and set aside.

5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in CMP No.49/Goonda/Salem City/2025, dated 22.08.2025 is hereby set aside.

6. The detenu, viz., Rappar @ Jayaprakash, S/o. Balasubramani, male, aged 26 years, who is now confined in Central Prison, Salem, 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.]
18.03.2026

Index: Yes/No
Neutral Citation: Yes/No
ssm

Note: Issue Today

3/5



H.C.P.No.1870 of 2025

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- To
- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
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Chennai – 600009.
 - 2.The Commissioner of Police,
Salem City.
 - 3.The Superintendent of Police,
Central Prison, Salem.
 - 4.The Inspector of Police,
Attaiyampatti Police Station,
Salem.
 - 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.

ssm

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