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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

H.C.P.No.1899 of 2026

CNR: {HCMA012249472026}

Nagadevi ..Petitioner(s)

Vs

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

2. District Magistrate and District Collector
   Tiruppur District.

3. The Superintendent of Police
   Tiruppur,
   Tiruppur District.

4. The Superintendent of police
   Central Prison,
   Coimbatore District.

5. State rep. by,
   The Inspector of Police
   Udumalpettai All Women Police Station,
   Tiruppur District. ..Respondent(s)

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus or any other writ or order in the nature of writ call for the records in connection with the order of detention passed by the 2nd respondent dated 17.06.2026 in Cr.MP.No.18/Sexual Offender/2026

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against the petitioner's brother Birlaprasath alias Srirangaprasath, M/25 years, son of Kalaiarasan, who is the confined at the Central Prison, Coimbatore and consequently direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Mr.A.Saranraj

For Respondent(s): Mr. M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(Made by A.D.JAGADISH CHANDIRA J.)

The petitioner is the brother of the detenu, viz., Birlaprasath alias Srirangaprasath, son of Kalaiarasan, aged about 25 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.18/Sexual Offender/2026, dated 17.06.2026, holding him to be a "Sexual Offender" as contemplated under Section 2(ggg) of the Tamil Nadu Preventive Detention Act,1982 (TN Act 14 of 1982). The said order is under challenge in this habeas corpus petition.

2. Learned counsel for the petitioner submitted that the detaining authority, while relying on another case stating it to be a similar case, inferred that there is a real possibility of the detenu coming out on bail. He further submitted that the order relied upon by the detaining authority is the order passed by the learned Sessions Judge, Mahila Court, Pudukkottai, in

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Crl.M.P.No.87 of 2025, dated 16.04.2025. In that case, the Court below has granted bail to the accused therein, who appears to have no previous case. As far as the detenu is concerned, the booklet accompanying the detention order itself states that the petitioner was involved in nine other cases and the same was also mentioned in his dismissal order passed in Crl.M.P.No.405 of 2026 dated 10.06.2026 on the file of the Sessions Court (Fast Track Mahila Court), Tiruppur. He, therefore, submitted that the order dated 16.04.2025 passed in Crl.M.P.No.87 of 2025 cannot be taken as a similar case. Hence, he prayed to set aside the impugned detention order.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. On a perusal of the materials available on record, it is seen that the case relied upon by the detaining authority is not similar to the case of the detenu herein. Therefore, the subjective satisfaction arrived at by the detaining authority is a mere *ipse dixit.* Further, the present case is squarely covered by the judgment of the Hon'ble Supreme Court in *Alagu vs The State of Tamil Nadu,* reported in *2026 SCC OnLine SC 976: (2026) SCC 976.* Therefore, we are inclined to interfere with the impugned order.

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5. In the result, this Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.18/Sexual Offender/2026, dated 17.06.2026, passed by the second respondent, is set aside. The detenu, viz., Birlaprasath alias Srirangaprasath, son of Chandiran, aged about 25 years, is directed to be released forthwith unless her detention is required in connection with any other case.

(A.D.J.C.,J.) (B.K.,J.)
29-10-2026

Neutral Citation: Yes/No
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To

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

2. The District Magistrate and District Collector
Tiruppur District.

3. The Superintendent of Police
Tiruppur,
Tiruppur District.

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AND
B.KARTHIKEYAN, J.

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