



H.C.P.No.1914 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2026

CORAM :

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

H.C.P.No.1914 of 2025

Nagakanni, F/A-65 years,
W/o. Thangam,
No.89, MGR Tittu, Tsunami,
Quarters, Killai R.F.,
Cuddalore – 608 102.

.. Petitioner

VS

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Cuddalore District, Tamilnadu.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
- 4.The Superintendent of Police,
Cuddalore.
- 5.The Inspector of Police,
All Women Police Station,
Cuddalore.

.. Respondents



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records of the 2nd respondent in C3/D.O./97/2025 dated 04.08.2025 and set aside the same and direct the 2nd respondent to produce, the detenu T.Emaiavarman, son of Thangam, aged 25 years, now confined in Central Prison, Cuddalore, Cuddalore District, before this Court and set him at liberty.

For Petitioner : Ms.N.Premalatha

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-Emaiavarman, branded as ‘Sexual Offender’ under Section 2(ggg) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 04.08.2025.

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

3. The detention order is liable to be quashed on the sole ground that the subjective satisfaction of the detaining authority as regards the possibility of the detenu coming out of bail is vitiated as the facts in the order relied upon by the detaining authority is not similar to the facts of the ground case in respect of the detenu.

4. On a perusal of the order relied upon the detaining authority, we find that the accused therein was charged for the offences under Sections



H.C.P.No.1914 of 2025

5(m), 5(l) read with 6 of the Protection of Children from Sexual Offences

Act, 2012, whereas in the instant case, the detenu was charged for the offences under Sections 83 and 127(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 5 (l) and 6 of the Protection of Children from Sexual Offences Act, 2012. Hence, we find that the case is not similar and consequently, the subjective satisfaction arrived at by the detaining authority that there is a possibility of the detenu coming out on bail is vitiated.

5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C3/D.O.97/2025 dated 04.08.2025 is set aside.

6. The detenu, viz., Emaiavarman, son of Thangam, aged 25 years, who is now confined in Central Prison, Cuddalore, 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.]
16.04.2026

Index:Yes/No

Neutral Citation:Yes/No

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Note to Registry : Issue Today



H.C.P.No.1914 of 2025

DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Cuddalore District, Tamilnadu.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
- 4.The Superintendent of Police,
Cuddalore.
- 5.The Inspector of Police,
All Women Police Station,
Cuddalore.
- 6.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
- 7.The Public Prosecutor,
High Court, Madras.

H.C.P.No. 1914 of 2025

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