



HCP.No.2017 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2026

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2017 of 2025

Dhanalakshmi
W/o.Late Selvaraj

... Petitioner/
Mother of the detenu

Versus

The State represented by its

1. The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
Greater Chennai, Veppery,
Chennai – 600 007.
3. The Superintendent of Police,
Central Prison,
Puzhal, Chennai –600 066.



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4. The Inspector of Police,
R8 – Vadapalani Police Station,
Chennai District.

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, to call for the records pertaining to the order of detention dated 07.07.2025 passed by the 2nd respondent bearing No.460/BCDFGISSSV/2025 and quash the same and produce the detenu Karthick @ Koppai Karthick, aged about 34 years, S/o.Selvaraj before this Court and set him at liberty forthwith from Central Prison, Puzhal, Chennai.

For Petitioner : Mr.J.Dinesh

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

ORDER

(Order of the Court was made by P.VELMURUGAN J.)

The petitioner, who is the mother of the detenu Karthick @ Koppai Karthick, S/o.Selvaraj, aged about 34 years, has come forward with this petition challenging the detention order passed by the second respondent dated 07.07.2025 bearing reference No.460/BCDFGISSSV/2025, slapped on her son Karthick @ Koppai Karthick, now confined in Central Prison,



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Puzhal, Chennai, branding him as "Goonda" under the Tamil Nadu

Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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

3. Though several grounds have been raised in the habeas corpus petition challenging the order of detention, the learned counsel for the petitioner mainly focussed his submissions on the following grounds: (i) while passing the detention order, the detaining authority observed that the detenu had not filed any bail application in the ground case, but his relatives were taking steps to secure his release on bail. The detaining authority further inferred that there was a real possibility of the detenu coming out on bail, on the premise that in a similar case, bail had been granted to another accused by the Sessions Court, Chennai in CrI.M.P.No.20525 of 2024; (ii) in the copy of the original complaint in Crime No.180 of 2025, it is stated that the detenu had allegedly robbed a sum of Rs.1,000/- from the



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de-facto complainant. However, in all other documents relating to Crime No.180 of 2025, the 4th respondent-sponsoring authority has mentioned the robbed amount as Rs.1,800/-. This discrepancy indicates non-application of mind on the part of the detaining authority and casts serious doubt on the fairness of the process. Hence, he contended that the order of detention stands vitiated and is liable to be quashed.

4. Per contra, learned Additional Public Prosecutor while reiterating the averments in the counter affidavit submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

5. Considering the submissions made by both sides, this Court is of the considered view that the impugned order of detention suffers from non-application of mind and procedural infirmities, which goes to the root of the matter. Admittedly, in the ground case, no bail application has been filed either by the detenu or by his relatives so far. In the absence of any such application, the subjective satisfaction arrived at by the detaining authority that there is a real possibility of his coming out on bail is nothing but a mere *ipse dixit*. There are no materials to indicate that any bail application is being



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moved on behalf of the detenu, either by his relatives or by any other person, to take him out on bail. Therefore, the conclusion of the detaining authority that there exists a real possibility of the detenu being released on bail clearly shows non application of mind. Further, it is seen from page No.4 of the booklet Volume-I (complaint) that the amount allegedly robbed is stated to be Rs.1,000/-, whereas in all other documents, including the detention order, the amount is mentioned as Rs.1,800/-. This material discrepancy reflects lack of proper scrutiny of records and indicates procedural infirmity. In such circumstances, this Court is of view that the impugned order of detention is vitiated on the aforesaid grounds and is liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent *vide* No.460/BCDFGISSSV/2025 dated 07.07.2025 is hereby set aside. The detenu, viz., Karthick @ Koppai Karthick, S/o.Selvaraj, aged about 34 years, who is now confined in the Central Prison, Puzhal, Chennai, is hereby



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directed to be set at liberty forthwith unless his presence is required in connection with any other case.

[P.V.,J.] [M.J.R.,J.]
11.02.2026

Index: Yes/No
Neutral Citation: Yes/No
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To

1. The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
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5. The Public Prosecutor
High Court, Madras.



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