



H.C.P.No.1967 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 10.04.2026

CORAM :

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

H.C.P.No.1967 of 2025

Vijayalakshmi, (F/ 52 years),
W/o. Dharanivel,
No.12/8, Ram Nagar, First Main Road,
Nanganallur, Chennai – 600 061.

.. Petitioner

VS

- 1.The State of Tamil Nadu
Rep. by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai, Office of the Commissioner of Police
(Goondas Section), Vepery, Chennai – 600 007.
- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
- 4.The Inspector of Police,
W-13, All Women Police Station,
St.Thomas Mount, Chennai.

.. Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying
for issuance of Writ of Habeas Corpus to call for the records relating to



H.C.P.No.1967 of 2025

the detention order vide BBCDFGISSSV No.553/2025 dated 02.08.2025,

passed by the 2nd respondent and quash the same and direct the respondents herein to produce the petitioner's son namely Manikandan, S/o. Dharanivel, aged 34 years, (who is presently under going detention in the Central Prison, Puzhal), before this Court and set him at liberty.

For Petitioner : Mr.N.Arunkumar

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

ORDER

(Made by Dr. ANITA SUMANTH, J.)

Manikandan, detenu is kept in custody in Central Prison, Puzhal as sexual offender. His mother has approached this Court by way of this Habeas Corpus Petition seeking quash of the detention order dated 02.08.2025.

2. We have heard the learned counsel for the petitioner, who assails the detention order on various grounds and the learned Additional Public Prosecutor.

3. Of the grounds urged and argued before us, what appeals is the fact that the detaining authority in the impugned order of detention has cited and relied upon an order dated 10.03.2025 passed in CrI.M.P.No.82



H.C.P.No.1967 of 2025

of 2025, wherein bail was granted to the accused in that case.

WEB COPY

4. It is this order, premised on which the detaining authority records his subjective satisfaction that the detenu would be enlarged on bail. In fact, as a fact, the detenu has not sought bail at all. That apart, on a comparison of the facts in the case of the accused in Crl.M.P.No.82 of 2025 with the present case, we find no similarity, as in the present case the charges relate to the offences under Section 87 of the Bharathiya Nyaya Sanhita, 2023 and Section 5(j)(ii) read with Section 6(1) of the Protection of Children from Sexual Offences Act (Pocso), 2012, whereas, in the case relied upon by the detaining authority, there is no charge for the offence under the provisions of the BNSS and the offences were under Section 6(j)(ii) and 5(1) of the Pocso Act.

5. In light of there being no similarity between the two cases, we agree that the subjective satisfaction of the detaining authority has been vitiated.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.533/2025, dated 02.08.2025 is set aside.

7. The detenu, viz., Manikandan, S/o. Dharanivel, aged 34 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in



H.C.P.No.1967 of 2025

connection with any other case.

WEB COPY

8. List on 16.04.2026 under the caption 'for production of DNA report'.

[A.S.M, J.] [S.M, J.]
10.04.2026

Index:Yes/No

Neutral Citation:Yes/No

sl

Note : Issue Today

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai, Office of the Commissioner of Police
(Goondas Section), Vepery, Chennai – 600 007.
- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
- 4.The Inspector of Police,
W-13, All Women Police Station,
St.Thomas Mount, Chennai.
- 5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
- 6.The Public Prosecutor, High Court, Madras.
7. The Section Officer, Criminal Section, High Court, Madras.

4/5



WEB COPY



H.C.P.No.1967 of 2025

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

sl

H.C.P.No. 1967 of 2025

10.04.2026