



WEB COPY



HCP No. 2039 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2039 of 2025

Selvi

..Petitioner(s)

Vs

1. The State of Tamil rep by its Secretary to Govt
(Home) Prohibition and Excise Department,
Fort St.George,
Chennai-600 009
2. The Commissioner Of Police,
Greater Chennai, Vepery,
Chennai.600 007.
3. The Superintendent Of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police (L and O)
E1 Mylapore Police Station,
Chennai District.

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records leading to the detention of the Petitioner's son Vignesh, son of Settu, male aged about 23 years is presently lodged in Central Prison, Puzhal at Chennai and has been detained under Act 14/82 as a Goonda vide detention order dated 09.09.2025 on the file of the 2nd respondent



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herein, made in No.655/BCDFGISSSV/2025 and quash the same and consequently direct the respondents herein to produce the body of person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Puzhal, Chennai.

For Petitioner(s): Mr.V.Parthiban
for Mr.M.Rajavelu

For Respondent(s): Mr. R.Muniyapparaj,
Additional Public Prosecutor,
Assisted By
Mr. M.Sylvester John

ORDER

(Order of the Court was made by Sunder Mohan J.)

The mother of detenu - Vignesh, S/o.Settu, aged about 23 years, has filed this petition challenging the detention order dated 09.09.2025, branding him as a 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents.

3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the



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satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. In the grounds of detention, the detaining authority has stated that the detenu had filed the bail application in CrI.MP.No.8182 of 2025 before the Principal Sessions Judge, Chennai and the same was dismissed on 08.09.2025; that his relatives are taking steps to take him out on bail; and that in a similar case, bail was granted by this Court in CrI.OP.No.30749 of 2024 on 10.12.2024.

5. The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority, the accused therein was granted bail because the occurrence took place pursuant to a sudden quarrel. In this case, it is not so. That apart, the detenu has been accused of the offences under Sections 126(2), 296(b), 115(1), 118(2), 103(1) and 351(3) of BNS, whereas, in the bail order relied upon, the offence against the accused is under Section 103 of the



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BNS. Therefore, the facts in the two cases are not similar and consequently, the reliance placed by the detaining authority on the said order, vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail. Hence, the detention order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.655/BBCDEFGISSV/2025 dated 09.09.2025 is set aside.

7. The detenu, viz., Vignesh, S/o. Settu, aged about 23 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 connection with any other case.

(A.S.M.,J.) (S.M.,J.)
28-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Issue Order Today

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1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-9.
2. The Commissioner of Police
Greater Chennai, Vepery,
Chennai - 600007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai 600066.
4. The Inspector of Police (L&O)
E1 Mylapore Police Station,
Chennai District.
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.**

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