



WEB COPY



HCP No. 2053 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. 2053 of 2025

Indira

..Petitioner(s)

Vs

1. The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. District Collector and District Magistrate
of Ranipet District,
Ranipet-1.
3. The Superintendent of Police
Ranipet District,
Ranipet
4. The Superintendent of Prison
Central Prison,
Vellore.
5. The Inspector of Police
Arcot Town Police Station,
Ranipet District.

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in



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connection with the order of detention passed by the 2nd respondent dated 30.09.2025 in B3/D.O.No.87/2025 against the petitioner's husband Sethu, Male, aged 36 years S/o. Sathyaseelan, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Mr.D.Balaji

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 wife of the detenu – Sethu, aged 36 years, S/o. Sathyaseelan, has filed this petition challenging the detention order dated 30.09.2025, 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's applications in Cr.M.P.No.275 of 2025 seeking for bail before the District Munsif-cum-Judicial Magistrate, Arcot, came to be dismissed on 20.09.2025 and that there is a possibility of the detenu coming out on bail, since in a similar case, accused therein has been granted bail by the Principal District and Sessions Judge, Kancheepuram, in CrI.MP.No.473 of 2025. However, admittedly there was no material placed before the detaining authority that the detenu or his relatives were taking steps to file a bail application. In such circumstances, inference of the detaining authority that the detenu is likely to file a bail application and come out on bail is his mere *ipse dixit* without any basis. Since the satisfaction arrived at by the detaining authority is erroneous, further conclusion that the detenu would indulge in further criminal activities also, is without any basis. Hence, the detention order is liable to be quashed.



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5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in B3/D.O.No.87/2025 dated 30.09.2025 is set aside.

6. The detenu, viz., Sethu, aged 36 years, S/o. Sathyaseelan, who is now confined in Central Prison, Vellore, 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.

ars



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To
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3. The Superintendent of Police
Ranipet District,
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4. The Superintendent of Prison
Central Prison,
Vellore.
5. The Inspector of Police
Arcot Town Police Station,
Ranipet District.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
7. The Public Prosecutor,
High Court, Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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