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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2187 of 2025

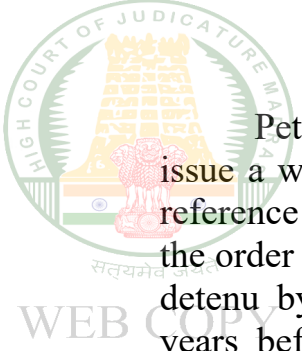
Sumathi
W/o.Dhandapani,
D.No.113, Amman Kovil pathi Village,
Anandhur Post,
Uthagarai Taluk,
Krishnagiri District

..Petitioner(s)

Vs

1. The Secretary to Government
Government of Tamilnadu,
Home, Prohibition and Excise IX, Secretariat,
St.George Fort, Chennai-600 009Cuddalore
2. The District Collector and district Magistrate
Office of the District Collector and District
Magistrate,
Krishnagiri,
Krishnagiri District
3. The Superintendent of Police
Krishnagiri ,
Krishnagiri District
4. The Superintendent of Prison
Central Prison,
Salem
5. The Inspector of Police
Kallavi Police Station,
Krishnagiri District

..Respondent(s)



Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas Corpus calling for the records of the 2nd respondent in reference to Detention order in S.C.No.31/2025 dated 09.09.2025 setting aside the order of detention passed therein and directing the respondent to produce the detenu by namely Thiru. Vignesh, son of Thiru.Dhandapani, aged about 25 years before this Honble Court, now detained in Central jail at Salem and setting him at liberty

For Petitioner(s): Mr.J.Pradeep

For Respondent(s): Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

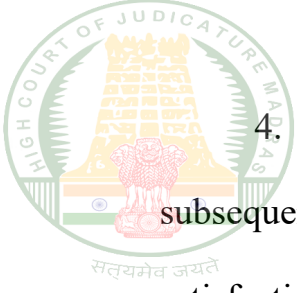
Order

(Order of the Court was made by Dr.Anita Sumanth J.)

One Vignesh (detenu) S/o. Dhandapani, who was detained as a ‘Sexual Offender’ under Section 2(ggg) of the Tamil Nadu Act 14 of 1982 (in short ‘Act’) has approached this Court challenging the order of detention dated 09.09.2025.

2. Learned counsel for the petitioner assails the impugned order of detention pointing out to various lacunae in the order, emphasizing that the subjective satisfaction of the detaining authority that the detenu will be enlarged on bail is wholly misconceived.

3. We have heard Mr.J.Pradeep, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.



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4. The first bail application filed was dismissed on 1.9.2025 and no subsequent bail application has been filed. The only basis for the subjective satisfaction of the authority that there is possibility of detenu being enlarged is a bail order passed on 31.1.2022 in Cr.M.P No. 150 of 2022 by the Principal Sessions Court, Namakkal. However that order has been passed during Covid Pandemic when, as a policy, the accused were being enlarged on bail to prevent over crowding in jails.

5. Hence, we find merit in the submission of the petitioner that the subjective satisfaction of the authority that bail would be granted, is nothing but mere ipse dixit as the comparative order cited by the authority is really not comparable at all.

6. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in S.C.No.31/2025 dated 09.09.2025 is set aside.

7. The detenu, viz., Vignesh, S/o. Dhandapani, aged 25 years, confined in Central Prison, Salem, is directed to be set at liberty forthwith, unless his presence is required in connection with any other case.

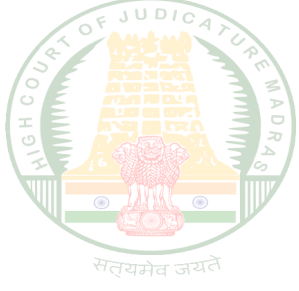
(A.S.M.,J.) (S.M.,J.)
02-07-2026

Speaking order
Neutral Citation: Yes
SSM
Note to Registry : Issue Today



To

1. The Secretary to Government
Government of Tamilnadu,
Home, Prohibition and Excise IX,
Secretariat, St.George Fort,
Chennai-600 009Cuddalore
2. The District Collector and District Magistrate
Office of the District Collector and District
Magistrate, Krishnagiri,
Krishnagiri District
3. The Superintendent of Police
Krishnagiri,
Krishnagiri District
4. The Superintendent of Prison
Central Prison, Salem
5. The Inspector of Police
Kallavi Police Station,
Krishnagiri District.
6. The Joint Secretary to Government
Public (Law and Order),
Fort St.George, Chennai – 9.
7. The Public Prosecutor,
High Court, Madras.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

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