



WEB COPY

HCP No. 2124 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2124 of 2025

Jayanthi
W/o. Poongavanam,
No.9/247, Ambal Nagar Main Road,
Kovur,
Kancheepuram-600 122.

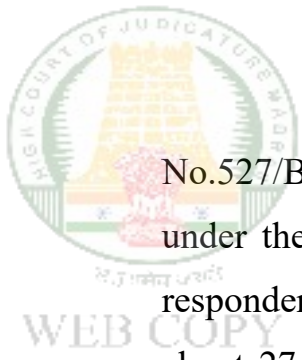
..Petitioner(s)

Vs

1. State of Tamil Nadu, Rep. by the Additional chief
Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai-600 007
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai- 600 066.
4. The Inspector of Police
T-5, Vanagaram Police Station,
Chennai.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other Writ of direction calling for the records relating to the detention or der in Memo



No.527/BBCDEFGISSSV/2025, dated 31.07.2025 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son VIJAYAN S/O Poongavanam, aged about 27 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty and pass such further or appropriate order which this Hon'ble Court may deem fit and proper in the nature and circumstances of the case and thus render Justice.

For Petitioner(s): Mr.N.Selvakumar for
Mr.A.Vinoth Kumar

For Respondent(s): Mr. S. Raja Kumar
Additional Public Prosecutor
Assisted By
Mr. M. Sylvester John

Order

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

The mother of the detenu-Vijayan, branded as 'Goonda' under Section 2(f) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 19.08.2025.

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

3. Learned counsel for the petitioner would submit that the subjective satisfaction of the detaining authority that there is a real possibility of the detenu coming out on bail suffers from non-application of mind, as the facts in the case relied upon by him to arrive at such a conclusion is not similar to the facts in the present case.



4. We have perused the order passed in similar case in Cr.M.P.No.26094 of 2024 dated 19.11.2024, which has been relied upon by the detaining authority to hold that the detenu is likely to be released on bail. In the said case, the accused had only one previous case, whereas, in the present case, the detenu has two adverse cases and there is one more case registered against him even according to the respondents. Therefore, the reliance placed upon the aforesaid order by the detaining authority to arrive at such a satisfaction is misconceived, which vitiates the detention order.

5. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.527/BBCDEFGISSSV/2025, dated 31.07.2025 is set aside.

6. The detenu, viz., Vijayan, S/o. Poongavanam, aged 27 years, now confined in Central Prison, Puzhal, Chennai, 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.)

26-03-2026

sl

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Registry is directed to issue a copy of this order today. (i.e., 26.03.2026)



To

1. The Additional chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai-600 007
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai- 600 066.
4. The Inspector of Police
T-5, Vanagaram Police Station,
Chennai.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai-9.
6. The Public Prosecutor,
High Court, Madras.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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