



WEB COPY



H.C.P.No.2141 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2141 of 2025

S.Mohan

... Petitioner

Vs.

1. The State rep. by its Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St. George, Secretariat, Chennai – 600 009.
2. The Commissioner of Police/Detaining Authority,
Office of the Commissioner of Police, Coimbatore City.
3. The Superintendent of Prison,
Central Prison at Coimbatore,
Gandhipuram, Coimbatore – 641012.
4. The Inspector of Police,
D-5, Sundarapuram Police Station,
Coimbatore District.

... Respondents

Prayer: This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India to issue Writ of Habeas Corpus to call for the records in detention order in C.No.105/G/IS/2025 dated 23.06.2025 on the file of the second respondent and set aside the same and direct the respondents herein to produce the son of the petitioner/detenu M.Yuvaraj S/o.Mohan, aged 26 years now confined in Central Prison at Coimbatore before this Court and set him at liberty.

For Petitioner : Mrs.R.Subadra Devi

For Respondents : Mr.R.Muniyapparaj, Addl. Public Prosecutor,
Assisted by Mr.M.Sylvester John

ORDER

The petitioner, who is the father of the detenu M.Yuvaraj S/o.Mohan, aged 26 years, has come forward with this petition challenging the detention order passed by the second respondent dated 23.06.2025 bearing C.No.105/G/IS/2025 under Sub Section (1) of Section 3 of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982] r/w the order issued by the Government in G.O.(D) No.98, Home, Prohibition and Excise (XIV) Department, dated 11.04.2025 under Sub Section (2) of Section 3 of the said Act.

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

3 Though several grounds have been raised by the petitioner in the habeas corpus petition, assailing the detention order, in the hearing, learned counsel for the



petitioner confined her argument only with regard to non application of mind, while passing the detention on the part of the detaining authority in arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail.

4 Learned Additional Public Prosecutor submitted that the second respondent/detaining authority has passed the detention order after arriving subjective satisfaction that there is imminent possibility of detenu being enlarged on bail and in a similar case bail has been granted to the co-accused. Further the ground case has been registered for the offence of robbery and there are three cases pending, which are similar in nature.

5 In the detention order, it was stated that steps are being taken to get bail for the detenu by filing application in the ground case and in the similar case in Cr.No.576/2022, bail was granted to the co-accused. But in the ground case no bail application has been filed by the petitioner and the case referred to by the detaining authority is no way connected with the present case and hence the detention order passed by the detaining authority shows non application of mind on the part of the detaining authority. Therefore we are inclined to set aside the detention order.



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Accordingly, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 23.06.2025 bearing C.No.105/G/IS/2025 detaining the petitioner's son M.Yuvaraj, male, S/o.Mohan, aged 26 years, who is confined at Central Prison, Coimbatore, is hereby set aside and the detenu M.Yuvaraj S/o.Mohan, male, aged 26 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[PVJ]

[MJRJ]

10.02.2026

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To

1. The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St. George, Secretariat, Chennai – 600 009.
2. The Commissioner of Police/Detaining Authority,
Office of the Commissioner of Police, Coimbatore City.
3. The Superintendent of Prison,
Central Prison at Coimbatore,
Gandhipuram, Coimbatore – 641012.
4. The Inspector of Police,
D-5, Sundarapuram Police Station,
Coimbatore District.
5. The Additional Public Prosecutor, Madras High Court.



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P.VELMURUGAN. J.
and
M.JOTHIRAMAN, J.

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