



WEB COPY



HCP No. 2147 of 2025

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. 2147 of 2025

Divya Priya

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
The Nilgiris @ Udhagamandalam,
Nilgiris District.
3. The Superintendent of Prison,
Central Prison,
Coimbatore.
4. The Superintendent of Police,
Nilgiris District,
Nilgiris.
5. The Inspector of Police,
Gudalur All Women Police Station,
Nilgiris.

..Respondent(s)



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Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, calling for the records pertaining to the order of detention passed in Cr.M.P.No.04/2025 dated on 14.09.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner's husband by name Thiru.Mariappan son of Esakkipandiyan aged about 52 years before this Court now confined in Central Prison, Coimbatore and set him at liberty.

For Petitioner(s): Mr.K.Thenrajan

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

ORDER

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

The wife of detenu - Mariyappan, aged 52 years S/o.Esakkipandiyan, has filed this petition challenging the detention order dated 14.09.2025, branding him as a 'Sexual Offender' under Section 2(ggg) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for respondents.



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3. The detention order is liable to be quashed for more than one reason. In the grounds of detention, the detaining authority has stated that the detenu had filed a bail application in CrI.M.P.No.1439 of 2025 before the District and Sessions Court and Mahila Fast Track Court, Udthagamandalam, and that the same was dismissed on 04.09.2025; and that in a similar case, bail was granted by the Court of the Sessions Judge, Mahila Fast Track Court, Udthagamandalam, in CrI.M.P.No.16 of 2020 on 09.01.2020.

4. 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 since the learned counsel for the Government had not raised any serious objection for release of the accused on bail. Therefore, 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.

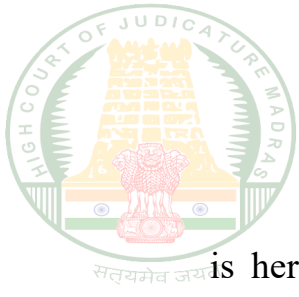


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5. That apart, it is seen that the detaining authority has stated in the grounds of detention that there is real possibility of the detenu coming out on bail by filing appropriate bail application. Admittedly, there was no material placed before the 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*. Since the satisfaction arrived at by the detaining authority is without basis, the conclusion that the detenu would indulge in further criminal activities, is vitiated. For the above mentioned reasons, 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 Cr.M.P.No.04/2025 dated 14.09.2025, is set aside.

7. The detenu, viz., Mariyappan, aged 52 years S/o.Esakkipandiyan, who is now confined in Central Prison, Coimbatore,



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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.)
02-07-2026

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

TSG

Note: Issue order copy today.

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
The Nilgiris @ Udhagamandalam,
Nilgiris District.
3. The Superintendent of Prison,
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6. The Joint Secretary,
Law and Order Department, Secretariat,
Chennai – 600 009.
7. The Public Prosecutor,
High Court of Madras.



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

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