



WEB COPY



HCP No. 2204 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2204 of 2025

Kavitha
W/o. Marimuthu,
No.513a, Indra Nagar,
Thottiyampatti,
Pon-Puthupatti,
Ponmaravathi, Pudukottai District.

..Petitioner(s)

Vs

1. The Secretary To The Government,
Home Prohibition And Excise Department,
Government of Tamil Nadu, Secretariat, Fort
St.George, Chennai-600 009.
2. The Commissioner Of Police/ Detaining
Authority, Coimbatore City, Coimbatore.
3. The Superintendent Of Prison
Central Prison- Coimbatore, Coimbatore
District.
4. The State rep by its The Inspector of Police
All Women Police Station (Central),
Coimbatore District.

..Respondent(s)



HCP No. 2204 of 2025

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide petitioner's husband detention order dated 25.08.2025 on the file of the second respondent herein made in proceedings C.No.145/G/IS/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband C.Marimuthu, S/o. Chinnaiya, aged 34 years before this Court and set the petitioner's husband at liberty from, detention, now the petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner(s): Mr.D.Akash Kumar
for Mr.W.Camyles Gandhi

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 detenu - C.Marimuthu, S/o. Chinnaiya, aged 34 years, has filed this petition challenging the detention order dated 25.08.2025, branding him as '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 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 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 paragraph No.7 of the grounds of detention the detaining authority had observed that the detenue filed a bail application before the Additional Mahila Court, Special Court for Exclusive Trial of Cases under the POCSO Act, Coimbatore in CMP No.536 of 2025; that the same was pending; and that in a similar case in CMP No.260 of 2020 by the order dated 04.06.2020, the Principal Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, had granted bail.

5. However, on perusal of the said order in CMP No.260 of 2020, which is furnished in the booklet, we find that the bail was granted under Section 167(2) of the Cr.P.C. as the police in that case had not filed the final report within the time stipulated and not on merits. Therefore, the reliance placed on the said order by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail



HCP No. 2204 of 2025

is misconceived. The inference that the detenu is likely to be released on bail and consequently, would indulge in further criminal activities also is without any basis. Hence, 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 C.No.145/G/IS/2025 dated 25.08.2025 is set aside.

7. The detenu, viz., C.Marimuthu, S/o. Chinnaiya, aged 34 years, who is now confined in Central Prison, Coimbatore, 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.)
20-04-2026

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

ssm/ars



HCP No. 2204 of 2025

To

WEB COPY

1. The Secretary To The Government,
Home Prohibition And Excise Department, Government of Tamil
Nadu, Secretariat, Fort St.George, Chennai-600 009.
2. The Commissioner Of Police/ Detaining Authority
Coimbatore City, Coimbatore.
3. The Superintendent Of Prison
Central Prison- Coimbatore, Coimbatore District.
4. The State rep by its The Inspector of Police
All Women Police Station (Central),
Coimbatore District.
5. The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP No. 2204 of 2025

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

ssm/ars

HCP No. 2204 of 2025

20-04-2026

Page 6 of 6