



HCP No. 2341 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2341 of 2025

Ayisa Parveen
W/o.Mohamed Kasim,
No.1/89, Melakondumalur,
Ramanaghapuram-623 601.

..Petitioner(s)

Vs

1. The State Of Tamilnadu Rep By Its, The
Additional Chief Secretary To Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The District Collector And District Magistrate,
Ranipet District, Ranipet.
3. The Superintendent Of Police,
Ranipet,
Ranipet District.
4. The Superintendent Of Prison,
Central Prison, Vellore,
Vellore District.
5. The Inspector Of Police,
Kaveripakkam Police Station,
Ranipet District.

..Respondent(s)



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the detention order in B3/D.O.No.85/2025, dated 26.09.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's husband Mohamed Kasim, S/o.Kadhar Mohaideen, aged about 43 years the detenu, now confined in Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner(s): Mr.N.Selvakumar

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 - Mohamed Kasim, S/o.Kadhar Mohaideen, aged 43 years, has filed this petition challenging the detention order dated 26.09.2025, branding him as a 'Goonda' under Section 2(f) 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. 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 the grounds of detention, the detaining authority has stated that the detenu had filed the bail application in C.M.P.No.1292 of 2025 before the Principal Sessions Judge, Ranipet and the same was dismissed on 23.09.2025; that he had filed a bail application before this Court in Crl.OP.No.26842 of 2025 and the same is pending; and that in a similar case, bail was granted by this Court in Crl.OP.No.23533 of 2023 on 12.10.2023.

5. 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 because he had no previous case, whereas, in this case, the detenu has two adverse cases. Therefore, the



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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.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in B3/D.O.No.85/2025 dated 26.09.2025, is set aside.

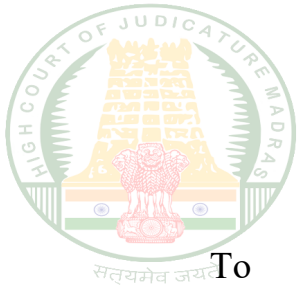
7. The detenu, viz., Mohamed Kasim, S/o.Kadhar Mohaideen, aged 43 years, who is now confined in Central Prison, Vellore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
03-06-2026

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

Issue order copy today.

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To
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1. The Additional Chief Secretary To Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The District Collector And District Magistrate,
Ranipet District, Ranipet.
3. The Superintendent Of Police,
Ranipet,
Ranipet District.
4. The Superintendent Of Prison,
Central Prison, Vellore,
Vellore District.
5. The Inspector Of Police,
Kaveripakkam Police Station,
Ranipet District.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
7. The Public Prosecutor,
High Court, Madras.



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

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