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H.C.P.No.2422 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

H.C.P.No.2422 of 2025

M.Ayyanar
S/o.Muthusamy
No.77, Thangaraj Nagar, Thiruppapuliyur,
Cuddalore Taluk, Cuddalore District.
Confined at Central Prison, Cuddalore, PID 676610.

Petitioner(s)

Vs

1.State represented by the Secretary to the Government
Home, Prohibition and Excise Department,
Government of Tamil Nadu, Fort St.George,
Chennai - 600 009.

2.The District Collector/District Magistrate
Cuddalore, Cuddalore district.

3.The Superintendent of Prison
Central Prison - Cuddalore, Cuddalore.

4.The Inspector of Police
All Women Police Station, Cuddalore.
Crime No. 12/2025.

Respondent(s)



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Habeas Corpus Petition filed under Section 226 of the Constitution of

India to issue a Writ of Habeas Corpus calling for the records of the second respondent in connection with the order made in C3/D.O/46/2025 dated 03.04.2025 passed against the petitioner's Ayyanar, S/o.Muthusamy, male, aged about 45 years, who is confined at the Central Prison, Cuddalore and quash the same and direct the respondents to produce the body of the detenu before this Court and set him at liberty.

For Petitioner(s): Mr.P.Kannan

For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecution
assisted by Mr.M.Sylvester John

ORDER

(made by P.VELMURUGAN, J.)

This habeas corpus petition has been filed calling for the records of the second respondent in connection with the order made in C3/D.O/46/2025 dated 03.04.2025 passed against the petitioner's Ayyanar, S/o.Muthusamy, male, aged about 45 years, who is confined at the Central Prison, Cuddalore and quash the same and direct the respondents to produce the body of the detenu before this Court and set him at liberty.



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2. The detenu has been arrested for the offence under the Protection of Children from Sexual Offences Act, 2012.

3. The learned counsel appearing for the petitioner/detenu would submit that the arrest intimation was not given to any of the relatives of the detenu, though the respondents have made an endorsement at page no.18 of the booklet that the detenu's son was intimated through SMS, whereas, no such intimation was given to any such person. Further, he would submit that on the date of arrest signature of the detenu was obtained, but, no date was mentioned.

4. On perusal of the records, it is seen that the detaining authority has stated that the arrest intimation was given to the son of the detenu through SMS to his mobile phone number. However, the son of the detenu has not filed any affidavit stating that he was not informed about the arrest of the detenu. That apart, in the arrest intimation, signature of the detenu has also been obtained.



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5. Considering the fact that the detenu is involved in heinous offence of penetrative sexual assault, that too, on his foster daughter, who is aged about 16 years and a 'child' under Section 2(d) of the POCSO Act, this Court is not inclined to interfere with the detention order passed by the detaining authority.

In the result, this habeas corpus petition is dismissed.

(P.V., J.) (M.J.R., J.)
28.01.2026

nsd



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To

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- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu, Fort St.George,
Chennai - 600 009.
- 2.The District Collector/District Magistrate
Cuddalore, Cuddalore district.
- 3.The Superintendent of Prison
Central Prison - Cuddalore, Cuddalore.
- 4.The Inspector of Police
All Women Police Station, Cuddalore.
- 5.The Joint Secretary to Government,
Public (Law and Order),
Fort St.George, Chennai – 9.
- 6.The Public Prosecutor
Madras High Court, Chennai – 600 104



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

nsd

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