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HCP.No.2445 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2026

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2445 of 2025

Sulochana
W/o.Thanigachalam

... Petitioner/
Mother of the detenu

Versus

1. State of Tamil Nadu
Rep.by the Principal Secretary to Government,
Home, Prohibition and Excise Department
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur, Chennai – 600 119.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai District.
4. The Inspector of Police,
T-22 Medavakkam Police Station,
Chennai.

... Respondents



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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, to call for the records relating to the detention order vide BCDFGISSSV No.80/2025 dated 08.07.2025 passed by the second respondent and quash the same and direct the respondents herein to produce the petitioner's son namely T.Maheshkumar, S/o.Thanigachalam, aged 25 years, (who is presently under going detention in the Central Prison, Puzhal, Chennai) before this Court and set him at liberty.

For Petitioner : Mr.N.Arun Kumar

For Respondents : Mr.R.Munniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by P.VELMURUGAN J.)

The petitioner, who is the mother of the detenu T.Maheshkumar, S/o.Thanigachalam, aged 25 years, has come forward with this petition challenging the detention order passed by the second respondent dated 08.07.2025 in BCDFGISSSV No.80/2025, slapped on her son T.Maheshkumar, now confined in Central Prison, Puzhal, Chennai, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities



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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].

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. There are three adverse cases. The ground case in Crime No.36 of 2025 is for alleged offences under Sections 296(b), 309(4), 125, 324(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023.

4. Though several grounds have been raised in the habeas corpus petition challenging the order of detention, the learned counsel for the petitioner mainly focussed his submissions on the ground that while passing the detention order, the detaining authority observed that the detenu had not filed any bail application in the ground case, but his relatives were taking steps to secure his release on bail. The detaining authority further referred to the third adverse case, involving similar offences as in the ground case, wherein the accused had been released on bail, and on that basis concluded



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that there was a real possibility of the detenu coming out on bail, as in similarly placed cases bail had been granted by the Courts after lapse of time. It is the contention of the learned counsel for the petitioner that the accused in the said case was released on statutory/mandatory bail and not on merits. Therefore, the subjective satisfaction arrived at by the detaining authority regarding the imminent possibility of the detenu being released on bail is erroneous. Thus, the detention order is vitiated on the said ground and the same is liable to be quashed.

5. Per contra, learned Additional Public Prosecutor while reiterating the averments in the counter affidavit submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

6. Considering the submissions made by both sides, this Court is of the considered view that there is non application of mind on the part of the detaining authority while passing the impugned detention order. Admittedly, in the ground case, no bail application has been filed by the detenu or by his relatives so far. If that be so, the subjective satisfaction arrived at by the



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detaining authority that there is a real possibility of his coming out on bail would be mere *ipse dixit* and that would vitiate the order of detention. There are no materials available to show that bail application is being moved, on behalf of the detenu, either by his relatives or by any other person, to take him out on bail. Further, in similar case, the accused was released on statutory/mandatory bail and not on merits. Thus, there is no real possibility of the detenu coming out on bail. Therefore, the conclusion of the detaining authority that there is a possibility of the detenu coming out on bail shows his non application of mind while passing the detention order. In such view of the matter, the impugned detention order is liable to be quashed on the said grounds.

7. In the result, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent in B.C.D.F.G.I.S.S.S.V.No.80/2025 dated 08.07.2025 is hereby set aside. The detenu, viz., T.Maheshkumar, S/o.Thanigachalam, aged about 25 years, who is now confined in the Central Prison, Puzhal, Chennai, is hereby directed to



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be set at liberty forthwith unless his presence is required in connection with any other case.

[P.V.,J.] [M.J.R.,J.]
11.02.2026

Index: Yes/No
Neutral Citation: Yes/No
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To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
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5. The Public Prosecutor
High Court, Madras.



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