



WEB COPY



H.C.P.Nos. 2517 & 2506 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.Nos. 2517 & 2506 of 2025

H.C.P.No. 2517 of 2025

Deepa (F/A 24 Years),
C/O L. Krishna,
S C Beedi, Main Road, Water Tank
Kurahatti Hosur,
Hanur Chamraja Nagar District,
Karnataka – 571444.

.. Petitioner

VS

- 1.State of Tamil nadu
Rep. By its Secretary to Govt.
Home, Prohibition and Excise Dept.,
Fort St.George, Chennai - 9.
- 2.The District Collector and District Magistrate,
Office of the District Collector and
District Magistrate Krishnagiri, Krishnagiri District.
- 3.The Superintendent of Police,
Krishnagiri, Krishnagiri District.
- 4.The Superintendent of Prison,
Central Prison, Salem,
Salem District.
- 5.The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.

.. Respondents



H.C.P.Nos. 2517 & 2506 of 2025

Prayer in HCP No.2517 of 2025: Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas to call for the records pertaining to the order of detention passed by the 2nd respondent in S.C.No 27/2025 dated 05-08-2025 against the petitioner's brother Madeva, Son of Marappa, male aged about 21 years vide his proceedings now confined in Central Prison, Salem, Salem District and set aside the same and direct the respondents to produce the detune before this Hon'ble Court and set him at liberty.

H.C.P.No. 2506 of 2025

Eswari (F/A 26 Years),
Daughter of Puthanan,
No. 8/284, Mavanatti,
Anchetty, Krishnagiri District-635102.

.. Petitioner

VS

- 1.State of Tamil nadu
Rep. By its Secretary to Govt.
Home, Prohibition and Excise Dept.,
Fort St.George,
Chennai - 9.
- 2.The District Collector and District Magistrate,
Office of the District Collector and
District Magistrate Krishnagiri, Krishnagiri District.
- 3.The Superintendent of Police,
Krishnagiri, Krishnagiri District.
- 4.The Superintendent of Prison,
Central Prison, Salem,
Salem District.
- 5.The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.

.. Respondents

Prayer in HCP No.2506 of 2025: Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas to call for the



H.C.P.Nos. 2517 & 2506 of 2025

records pertaining to the order of detention passed by the 2nd respondent in S.C.No 26/2025 dated 05-08-2025 against the petitioner's brother Madavan, Son of Muthannan, male aged about 22 years vide his proceedings now confined in Central Prison, Salem, Salem District and set aside the same and direct the respondents to produce the detune before this Hon'ble Court and set him at liberty.

(in all)

For Petitioner : Mr.R.Madhubala

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

COMMON ORDER

(Made by Dr. ANITA SUMANTH, J.)

The challenge is to order dated 05.08.2025 branding Madevan, detenu, in HCP No. 2506/25 and Madeva, detenu, in HCP No.2517/25 as Goonda in terms of section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act).

2. The impugned orders are assailed primarily on the grounds that there is not even an assertion that the detenus might be enlarged on bail, and, that there is an unexplained and unjustified delay between the dates of arrest and detention.

3. Mr.Muniyapparaj, learned Additional Public Prosecutor, who appears for the respondents would defend the impugned orders stating that the delay is not so alarming and also drawing our attention to a



similar case cited by the detaining authority in support of his apprehension that the detenus may be released on bail.

4. Having heard both learned counsel, we are of the view that the delay in the present cases is fatal to the proceedings. We draw support from the judgment of the Supreme Court in *Sushanta Kumar Banik Vs. State of Tripura*, [2022 LiveLaw (SC) 813], wherein, the Supreme Court settles the proposition that the detaining authority must make out a real, live and proximate nexus between the cause for arrest and detention.

5. In the present cases, the arrest was on 04.07.2025 (HCP No. 2506/25) and 03.07.2025 (HCP No.2517/25) and the orders of detention are dated 05.08.2025, leaving an unexplained gap of one month in the interim. There is no justification or explanation for elapse of time, and in light of the ratio in *Banik's* case, the link between the arrest and detention stands snapped.

6. The relevant observations in *Banik's* case are extracted below:-

“20. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and



H.C.P.Nos. 2517 & 2506 of 2025

circumstances of each case.”

7. That apart, as rightly pointed by the petitioner, a perusal of the impugned orders, do not reveal anywhere the apprehension of the detaining authority that the detenus would be enlarged on bail. In fact, he categorically states at paragraph 4 of the impugned orders that he is aware that no bail application has been filed by the detenus or by any one on their behalf before the Court.

8. In light of the discussion aforesaid, there is no justification in sustaining the impugned orders and the Habeas Corpus Petitions are allowed and the Detention Orders passed by the second respondent in S.C.No 27/2025 and S.C.No 26/2025 both dated dated 05-08-2025, are set aside.

9. The detenus, viz., Madeva, S/o. Marappa, aged 21 years (HCP No. 2517/2025) and Madevan, S/o. Muthannan, aged 22 years (HCP No.2506/2025), now confined in Central Prison, Salem, are hereby directed to be set at liberty forthwith unless their presence is required in connection with any other case.

[A.S.M, J.] [S.M, J.]
17.03.2026

Index:Yes/No
Neutral Citation:Yes/No
ssm

Note to Registry : Issue Today

5/7



H.C.P.Nos. 2517 & 2506 of 2025

To

WEB COPY

1. The Secretary to Govt.
Home, Prohibition and Excise Dept.,
Fort St. George,
Chennai - 9.
2. The District Collector and District Magistrate,
Office of the District Collector and
District Magistrate Krishnagiri, Krishnagiri District.
3. The Superintendent of Police,
Krishnagiri, Krishnagiri District.
4. The Superintendent of Prison,
Central Prison, Salem,
Salem District.
5. The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.
6. The Joint Secretary,
Law and Order Department, Secretariat, Chennai
7. The Public Prosecutor,
High Court, Madras.



WEB COPY



H.C.P.Nos. 2517 & 2506 of 2025

DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

ssm

H.C.P.Nos. 2517 & 2506 of 2025

17.03.2026