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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2480 of 2025

Karpagam
W/o.Ganesan,
No.144, Victoriya hostel,
back side,
Triplicane,
Chennai-600 005.

..Petitioner(s)

Vs

1. State of Tamilnadu represented by Secretary to government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai Police,
Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.
4. State rep.by Inspector of Police,
D5, Marina Police Station,
Chennai.

..Respondent(s)

HCP No. 2480 of 2025

Petition filed under Article 226 of the Constitution of India praying to
issue a writ of Habeas Corpus, or any other appropriate order or direction,



calling for the records of the 2nd respondent pertaining to the order made in Memo No.507/BBCDEFGISSSV/2025 dated 25.07.2025 in detaining the detenu under the Tamilnadu Act 14/1982 as a brand of GOONDA and quash the same and direct the respondents to produce the detenu, the petitioner's husband Sureshkumar, Son of Ganesan, aged 32 years who is detained at the Central Prison Puzhal, Chennai before this Honble Court and set him at liberty.

For Petitioner(s): Ms.J. Pavatharani

For Respondent(s): Mr. R.Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr. M.Sylvester John

ORDER

(Made by Dr.Anita Sumanth J.)

Sureshkumar, S/o. Ganesan, has been branded as Goonda and detained under Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982) under order dated 25.07.2025. His mother has approached this Court seeking quash of that order.

2. Learned counsel for petitioner would submit that the impugned order of detention is vitiated on various grounds. Firstly, she would submit that the arrest intimation has not been served either upon the detenu or any of the family members and the contact number set out in the arrest intimation is unknown.

3. Secondly, she would submit that neither the detenu nor his relatives



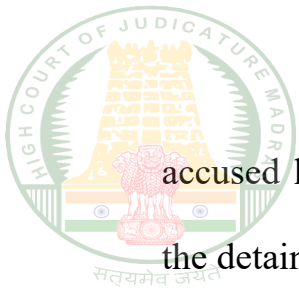
have taken any steps to enlarge him on bail. Thirdly, she would point out that the instance of bail relied upon by the detaining authority in CrI OP No. 25228 of 2024 by this Court, is not comparable to the offences with which the detenu has been charged.

4. Mr.Muniyapparaj, learned Additional Public Prosecutor, would defend the orders of detention pointing out that the offences committed are grave in nature.

5. We have heard both learned counsel. The apprehension of the detaining authority that the detenu would be enlarged on bail, is ostensible based on information that he is privy to, that the relatives of the detenu are taking steps to obtain bail. There is no scrap of evidence to support this apprehension.

6. We have specifically posed a query to learned Additional Public Prosecutor and also peruse the booklet and find no statement or any other material to corroborate this apprehension. The subjective satisfaction in this regard is hence not based on any material and is vitiated.

7. That apart, as pointed out by learned counsel for the petitioner, the accused in CrI OP No. 25228/2024 is charged with offences under Sections 126(2), 296(b), 309(4), 311 and 351(3) of BNS, 2023 whereas the detenu has been charged with offences under 296(b), 115(2), 309(4), 311 and 351(3), BNS, 2023. We find a mismatch between the offences in the present case and those in the case relied upon by the detaining authority, which also vitiates his subjective satisfaction as the two cases are not identical. Hence merely because that



accused has been released on bail would not substantiate the apprehension of the detaining authority in the present case.

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8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.507/BBCDEFGISSSV/2025, dated 25.07.2025, is set aside.

9. The detenu, viz., Sureshkumar, S/o. Ganesan, aged 32 years, who is now confined in Central Prison, Puzhal, Chennai, is 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.)
21-04-2026

Neutral Citation: Yes

ssm

Note to Registry : Issue Today

To

1. The Secretary to government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai Police,
Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.
4. The Inspector of Police,
D5, Marina Police Station,
Chennai.



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5. The Public Prosecutor,
High Court, Madras.

6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George,
Chennai - 9



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

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